

# *Public Administration*



INDEX TO VOLUME XVI, 1938

With a Foreword by

LORD STAMP OF SHORTLANDS, G.C.B., G.B.E.,  
LL.D., Sc.D., D.Sc., F.B.A.

*(President of the Institute)*



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## FOREWORD

THE four numbers comprising Volume XVI of the Journal of the Institute will, I feel sure, prove of value alike to the student and to those engaged in the practice of Public Administration. From its pages, into which a wealth of information, experience and thought have been garnered, I would select as worthy of special mention the papers on the Civil Service in other countries. For descriptions of the French and German organisations, the Institute is greatly indebted to Monsieur L. M. E. Roche and to Doctor Erich Kordt, Secretaries of their respective Embassies in this country. Some aspects of the American Public Service are commented on by J. Donald Kingsley, Ph.D., Professor at Antioch College, U.S.A., while the Public Service in New South Wales is the subject of a prize winning essay, to be found in the October issue. A most interesting address, given by His Excellency Sir Herbert Stanley, to the Southern Rhodesian Group on Colonial and Dominion Administration appears in the same number.

If, in this survey, pride of place is given to countries overseas, the more domestic aspects of the subject naturally occupy the major part of the Volume. Among the articles devoted to special problems which come within the purview of our Home Departments of State I would commend especially to the reader those on Government Planning Machinery, the Control of Public Undertakings and the Relations between Departments and the Judiciary. Nor must the papers on that question of perennial interest—Training for the Public Service—be overlooked.

Local Government, a phase of Administration with which many members of the Institute are primarily occupied, is discussed in various articles, and I commend to their notice and to the attention of elected representatives of Councils with whom they serve, the papers on Regional Government and on the Trend of Local Government. To the specialist, the papers on the Administration of Small Ports and the Public Library should be of particular interest.

Finally, I must refer to the papers written for the Institute's Conferences in 1938, which are reprinted in the April and July issues of the JOURNAL. Among the contributions discussed at the Winter Conference were those on Social Services in relation to the Family from the angle of Local, as well as Central, Government. Part of the Summer Conference was devoted to Social Trends and Problems of Administration in Rural Areas, and these topical items well merit a careful study.

The Editor has seen fit to print as an opening article in the January issue the address which I was happy to give in my first year as President of the Institute. It is, therefore, perhaps appropriate that, on completion of the Volume, I should also be privileged to make the final contribution of the year to its pages. In doing so, I trust that this most useful phase of the Institute's activities—its JOURNAL—will continue to go from strength to strength and that readers will find there both inspiration and assistance in their study of that most absorbing subject—Public Administration.

STAMP.

*December, 1938.*

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# The Administrator and a Planned Society

By Sir JOSIAH STAMP, G.C.B., G.B.E., F.B.A.

*[Being the Presidential Address given at the Inaugural Meeting of the Institute, October, 1937]*

I MUST begin by a sincere acknowledgment of the great honour that has been done me in appointing me the third President of this Institute, in succession to such great world figures as Lord Haldane and Sir Austen Chamberlain. They brought to your service an experience of larger public affairs which I cannot rival, nor hope ever in the future to enjoy, and I do not know that I have anything adequate of my own to substitute. Perhaps I may plead that, with all their great records, they never had, in fact, to be administrators in any detail; neither of them sat at the circumference of departmental life receiving a highly general instruction, and then proceeding to apply it to the fortunes of A, B and C—citizens living around them; to placate the aggrieved, to check the excited, as an official “consuming his own smoke” and preventing questions arising in Parliament through an under- or over-zealous and over-exact exercise of his discretionary powers. If I have any claim at all to speak on administration, it comes from a threefold experience. First, in the Taxes Department of the Inland Revenue the very exact application of legal powers, with what I have elsewhere called their principles of consistency and continuity, but with a positive and intended disregard of all those indirect effects which a taxation scheme must always involve, and with a very inexact administrative machine to accomplish the end in view. This long training led, however, into five years of the construction and administration of schemes such as the Excess Profits Duty which were highly integrated with social effects, and in which due regard had to be paid to all such repercussions and reactions on economic society when proposing the amendment and modification of the law and its repeal. From this point, seven years of consolidation and rationalisation of scores of individual and historic business units into a composite whole or

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combine in Nobels and I.C.I., having, as the main check upon tyrannous exercise of power, the desire to commend monopoly to an apprehensive public and a suspicious economic community, and also to create internally the sense of a public institution that would "do the right thing" by society—the establishment of a quasi-Civil Service tradition. There also became evident in that environment the extraordinary contrast between the qualities required for success in individual businesses and those for a large integrated modern combine. Thereupon has followed twelve years of experience in the largest *commercial* undertaking in the world, subject however to much statutory regulation, in which the closest regard has to be paid to social and economic repercussions outside the main field of action, and where few things can be done without consultation and agreement with one or more—generally more—of several public tribunals, a group of great Trade Unions, Clearing Houses and internal associations, and some half-a-dozen government departments. Here the stages of deciding to do something and getting it done are divided by long processes of negotiation, consultation and agreement, and one can only envy the free fancy of the old-time capitalist.

This has also included the experience, perhaps sharper than that of any other modern time, of being subject to the more or less direct effects of the economic actions of others, both private and official, who are not required to make it any part of their business to study either my feelings or my interests.

This is perhaps a compendium of experience which may from time to time be of service to you and in return for the signal honour you do me, I can only draw faithfully upon it in the furtherance of our common study.

### CHANGE OF SCOPE OF GOVERNMENT

The first President of this Institute saw in his lifetime two main stages in the great enlargement of the scope of government and, therefore, of administration. He shared in the first which came after the great Liberal triumph of 1906 when the State developed from policeman and regulator, to doctor and social reformer. The great war, of course, brought in many new functions, and with them many new administrative devices, and in a world which then needed tidying up for democracy, it was clear that there was no going back, and governmental scope in 1919 was permanently enlarged. Still it seemed clear to Lord Haldane, to the end, that the administrative problem was to secure a greater *fitness* to achieve approved aims,



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rather than to get any vision of a changing task which might be more than a question of degree and involve a different type of administrator or training.

By 1933, in this country, in the United States, and in Scandinavia, the scope of ordinary Government was recognised, even by the most conservative, as extending to cover responsibility for a large part of the economic framework and direct communal engagement in a new and wide variety of enterprises and controls. Abroad, in Russia, Germany and Italy, a much more advanced or fourth stage of complete economic direction—and going even beyond the economic—challenged every fundamental philosophy of man and society. The tasks to be covered by the administrator are now so much wider and more numerous that it is fair to ask dispassionately whether the same *kind* of administrative technique and ability are adequate, or whether some different aptitudes and temperaments may not be logically involved, or even if the mental training ought not to have some radical redirection. The answer may, of course, be in the negative, but it ought to be given *after* examination, and not *without* it. The British method is to extend bit by bit, without conscious change of character or type, and does not get much beyond asking for the same “first-class brain” broadly educated from a democratic field, with adequate experience. Its specifications are still rooted in the ideology of thirty years ago, for those who now shape policy were rooted there too. But it does not ask whether the administrative task that has come for good or ill, compared with that of the past, demands for success men of greater or less patience, greater or less personal initiative, greater or less individuality, greater or less sociability. Does the new teamwork demand clocklike interworking with very few soloists rather than men of decision and action?

### CURRENT ANALYSIS OF THE CHANGE

May we inquire from theorists and practical investigators what the change in governmental activity really amounts to, and what type of man it demands?

Dr. Robson has just declared that the Civil Servant and the municipal officer of to-day are “new kinds of men just as the engineer is a new type of man.”<sup>1</sup> Professor Barker deals with the new body of public servants primarily and essentially concerned with the discharge of social and economic functions.<sup>2</sup>

One of the lessons of combines and amalgamations is that the most successful one-man proprietor of a smaller concern, when he

<sup>1</sup> “The British Civil Servant,” p. 11.

<sup>2</sup> *Idem*.

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comes to occupy a post at a corresponding level as a departmental head in the large concern that absorbs him, is found to lack qualities of combination, co-operation, and functional aptitudes, and what were the very virtues of his former position, viz., drive regardless of others, all powers focussed to a single aim, are often serious drawbacks. Judicious compromise for the common aim is of far greater value than ability to get one's "own way" in the old sense. In the war the push-and-go-men got something done, but they did not take kindly to patient consultation, and the something had later sometimes to be undone. Even now we see how the rugged individuality of the competitive units of the textile industry fights shy of common action by co-operation.

Books on planning are almost entirely silent on the administrative problem, beyond wanting men of ability and beyond superficial discussion as to what a bureaucracy can or cannot do. Dr. Robson, summing up the Century of Municipal Progress, in the outlook for the future, claims that the great new responsibilities themselves will make officials "develop qualities of creative leadership for *preparing* and carrying out the policy of the Council beyond almost anything we now know. They will acquire new skills for the performance of new tasks . . . they will travel widely, eagerly scanning new and promising experiments in foreign lands. The existing discussions between the technical, the professional, and the administrative classes will fade away into irrelevance."

His view of the change is from the "regulatory services" controlling the conduct of individuals, to "service functions," which *do* something for the people, in housing, transport, education, etc. In the latter the official is less concerned to administer law than to promote energetic and far-reaching projects based on plans which he must himself create. This demands a more constructive type, one who sees possibilities and opportunities rather than difficulties and dangers, who is capable of aggressive action rather than passive obedience—as Wells puts it, the following of precedents and refusal of risks. He considers that the growth of the public service motive, the desire for interesting work and the scope for power are adequate incentives to recruitment. Dr. Robson says we must get away from the Treasury *sense of sin* in the spending of money—only to be done if it cannot be avoided—and embark freely on expenditure in socialised undertakings. Professor Harvey Walker sees the shortcomings of the one who passes from the cloistered life of the University into the similarly cloistered life of the Civil Service. And Professor Barker asks how far our administrator by training has been in real contact with the various worlds of the social universe, especially the business and the labour worlds, which his work will

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so closely affect. He relies on the interview to discover those with social interests and social experience.

The President's Committee Report on Administration in the U.S.A. pleads for a decentralisation from Washington which will offer the opportunity of lessening the insensitivity of the bureaucracy by bringing the persons who actually administer in detail into touch with the people whom they serve in their own communities, for the safeguarding of the citizen from narrow-minded and dictatorial bureaucratic interference and control is one of the primary obligations of democratic government—the government servant must not degenerate into an isolated and arrogant bureaucrat. Many writers plead for field experience in the course of their administrative life. More still urge that outstanding ability should be discovered early and given opportunity. A smaller number urge the need for administrative training for the technical man. Negatively, we are told a legal training is not specially good for administration—it produces a wrong mental outlook, and the Hadow Report observes that technical qualifications generally introduce a bias to the mind which the administrator should be at pains to avoid.

### THE AMERICAN EXPERIMENT

It was common form until recent times to question the power of bureaucracy to manage the State in detail. In his Presidential campaign in 1932 Roosevelt declared: "The doctrine of regulation and legislation by 'master minds' in whose judgment and will all the people may gladly and quietly acquiesce, has been too glaringly apparent at Washington during the last ten years. Were it possible to find 'master minds' so unselfish, so willing to decide unhesitatingly against their own personal interests, or private prejudices, men almost Godlike in their ability to hold the scales of justice with an even hand, such a government might be to the interest of the country, but there are none such on our political horizon, and we cannot expect a complete reversal of the teachings of history."

Within twelve months he was accumulating a vast staff to hold the scales of justice on wages and hours, terms of sale, prices, and conditions of business. Political patronage was raised to "new levels of impudence."

An American administrator, Mr. Donald Stone, asked the question "How shall we train in Public Administration?" He declared that "the training and other qualifications of personnel found essential before the days of unemployment insurance, generation and distribution of power, public housing, or scientific crime detection, may

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have no relation to requirements to-day. Yet we have all proceeded on the theory that they do, or without any theory at all." He asks for the best brains and most competent leadership, and is concerned that the technician should be trained as an administrator, for in the higher posts administration may outdo technical necessity. Then he distinguishes between cultural and professional training, the former dealing with the fields of knowledge in political theory and economics, sociology and organisation of government, the latter the technique of organisation and practice whereby policies are administered. On the cultural side lie the history and economic significance of budgeting, and on the technical the preparation and execution. He pays a well-deserved tribute to the pioneer work of Syracuse University in training selected graduates by a combination of class work and field work. But only to a minor extent does he recognise, lying beyond training and experience, temperament and aptitude—not what a man knows, but how he feels. "Perhaps we cannot train a student to be artful and skilful in the application of these techniques, nor can he be furnished a personality, aptitude for negotiation, and a score of other personal traits indispensable for an effective executive; these are problems of the selection of students and their evaluation on the job. Nevertheless, the foregoing technique will prove invaluable no matter the degree of initial aptitude." He relies on selection to secure these. "Executive ability is quite a different quality from the non-ability of a man to express himself, to make a good impression, to wrestle with abstract problems, or to evoke confidence upon a casual meeting . . . qualities which may not help very much. Does the man possess the faculty of looking objectively at problems? Does he have the knack of getting things done? Can he make decisions? and so on." *He never approaches the vital questions: Can he work in a team? Can he modify his own programme in the larger picture? Can he pass on credit to others? Can he subordinate the 100 per cent. success of his own part to the success of the whole? Is he a good Committeeman? Has he an emotional and human sense or is he dry and bookish? Can he extract achievement from compromise?*

Dr. Roos' great monograph on the history of the N.R.A. planning, with its wealth of inside knowledge, devotes an interesting chapter to Personnel and Administration. There is much of the ordinary reference to "honesty," "efficiency" and "impartiality" and perhaps until the U.S. have automatically secured these, which we take for granted, it is idle to press for closer discrimination in types of ability and temperament.

In the recent report of the President's Committee on Administrative Management in the Government of the United States, there is,

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of course, much wise recommendation, the fruit of recent experience, upon the machinery of government, the relations of officials, agencies for co-ordination and control, with which on this occasion we are not concerned. Upon the point we have now under examination, it is disappointingly general and indefinite. "Will it be said Democracy was a great dream, but it could not do the job?" is its opening question, and it surveys over 100 separate departments, boards, commissions, corporations, authorities, agencies and activities through which the work of the Government is being carried on. Having laid down the canons of efficiency, it asks how they are now satisfied, and one of its points is that the public service "does not include its share of men and women of outstanding capacity and character." The personal staff of the President should, in addition to the present Secretaries, be six in number, they should be possessed of *high competence*, great physical vigour and a passion for anonymity." The extension of the merit system to all regular posts, and the payment of adequate salaries for a career service are, of course, insisted upon. The Permanent planning agency, the National Resources Board, involves "matters of diplomacy and intelligent interest rather than of legal authority and high command, it needs a permanent skeleton staff of career men of undoubted competence, and the Board require insight, experience and judgment in analysis and social vision. *Nowhere does the report indicate what constitutes competence*, and what type of ability or temperament or training is needed. It asks simply for able men, and leaves us just where we were, for we do not know what is the precise task of the administrator, except to get things done—done at what social cost, or at whose expense does not appear. The nearest we get to the problem is the fine declaration: "Government is a human institution. It is made up of men and women who work together in groups to protect and serve other men, women and children scattered over a great continent. It is human throughout, it rests not only on formal management, skill and numbers, but even more on attitudes, enthusiasm and loyalty. It is certainly not a machine which can be taken apart, redesigned and put together again on the basis of mechanical laws. It is more akin to a living organism. The reorganisation of the government is not a mechanical task; it is a human task and must be approached as a problem of morale and personnel fully as much as a task of logic and management."

### SUMMARY OF CURRENT FINDINGS

On the whole, we may sum up the existing declarations of experience on all hands in the simple declaration—Government is

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getting much wider in scope, we shall want men of great ability, a knowledge of social affairs and touch with life. But the kind of training and temperament, and the *class* rather than the degree of ability are nowhere worked out more deeply than the sketchy analysis of the newer functions of administration.

### THE STATE OF THE FUTURE

It must not be supposed that in making assumptions about a semi-planned society, I am necessarily *in favour* of extensions of authoritarian control. I am not here dealing with the merits of that problem or making any personal expression of political faith. But I am merely carrying to their logical conclusions the newer forces that are now at work in our own and similarly situated countries in the development of these types of control, and so postulating the kind of world to which we shall be led in the next forty years, for which period the budding administrator must be fitted. Moreover, the problem will not be one merely of deciding which of the spheres of economic activity are most eligible to be taken over into such control, with the result that this field of potentiality will gradually be exhausted until we reach a point where the marginal advantage of taking over or leaving alone is in the balance. Such a view of the exhaustibility of the proper area of socialisation is, of course, a tenable one. But, against it, there is a growing school of economic thought now examining the problem of planning, which holds that the more the State interferes and takes over the more it will be compelled to take the next step and the next, and they prefer to look upon the process, in the nature of the case, as an accelerating one rather than as one that approaches a natural completion. Planning, to them, is a slippery slope. Having postulated, therefore, that we *shall* have a semi-planned society, whether I like it or not, I direct attention to the administrative problems that it involves and the kind of administrator who can grapple with them.

We must include in our survey not only those engaged in the new Whitehall socialism, but also the institutional socialism of quasi-official bodies. Marketing Boards, Betting Control Boards, Wheat Commissions, and of course, Port Authorities, the B.B.C. and the London Transport Authorities, Coal Mines reorganisation, Department of Scientific and Industrial Research, Central Electricity Board, Import Duties Advisory Committee and Unemployment Assistance Board. In themselves they bring in a widely different type from the traditional Whitehall official. Yet they each exist with special powers and limitations of profit, and either supplant private enterprise or severely regulate it.



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Any large authority that has a duty to the public to give service on less remunerative lines, carried by the high profit on certain more profitable areas, and yielding a fair return over all, has to be protected against piracy or "creaming the traffic." If the Post Office had no monopoly it would get no competition in the Western Highlands, but there would be a host of rival deliveries in London and between all populous centres. Prior to the setting up of the London Passenger Transport Board, the Company which tried to give a general service suffered grievously at the hands of small pirates who had no general public responsibility, but were able to live on the prosperous routes, or at the peak hours. The service of electricity and gas follows, and should follow, a maximum marginal social criterion in the same way. There is a very wide difference between the attitude of Governmental authorities to road rates on selected traffics or routes which undermine the general rate structure of maximum social utility for the railways, in countries *where the railways are state-owned* compared with those where the onus of financial risk falls on private capital. Yet it may well be that the criterion for bringing a service or economic activity upon the general purse may not properly be the fact that it is rendering a *general* service at all. For example, a multiple store in a country town may aim at stocking all lines, many of them much less profitable than others, and cheap-jacks may undercut the good lines. It is short-sighted to buy in the cheapest market if that finally renders the general store unprofitable, and the town worse off. Real cheapness can only be tested in the long run, and an administrator will recognise that. A quartermaster might resist the temptation to buy the cut lines or to use a bus or lorry service that lived by creaming the traffic of an essential railway service.

A municipality may cream the traffic of private enterprise, *e.g.*, parcels on buses on selected routes, without a general service of all kinds.

### THE IDEA OF "SUCCESS"

The general answer to the question, what type of man is required, and what should be his training, is of course, whatever type and training will secure the highest success at his job. The next question is: what do we mean by success? and the answer, rather more impatient, is: the achievement of the main objects set out in the legislative enactment under which he works. If we ask: "how do we measure this?" we shall be told—"makes the product available at the lowest production cost, or the lowest price"—the most economical we might call it—or "spreads the benefits to the widest number of people, or promotes the highest output." In a State,

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where only a small area of all social functions is under public administration, these answers might be approximately correct. But as the proportion of the total area coming under public administration grows, the answer is progressively more wrong. And if we find a large part of the economic life of the people is government controlled, the answer that the best administrator is the one who makes the most success of his task, in the sense given, must be wrong indeed. In an individualistic State, or in a completely controlled State, the task of the administrator is relatively easy, compared with his responsibility in a half-controlled State, where governmental activity is interlocking with private enterprise.

Now the reasons for bringing an economic activity under public control are very varied, but as we shall see later, the pursuit of each is nearly always in conditions which confer an advantage on the public agency which the private agency would not enjoy. It may be existence of a monopoly—a guarantee against competition; it may be compulsory powers; it may be the backing of general credit, or rates and taxes, it may be the liberty not to bring capital costs into the picture, it may be powerful assistance of allied public activities. Competing or affected industries are at a disadvantage relatively, and if it does not matter at all to the public authority what happens to those affected industries, if it is not its business to care about indirect consequences, it can make a direct drive along its own line of business and achieve a great "success," but this may be at the expense of some affected private enterprise, sufficiently public in its values through its capital, its workers or its consumers' interests, that the indirect expense of the success quite outweighs the public value of the success itself.

The first reply is that indirect effects are no part of the administrator's business, the legislature should have thought of them, or must be deemed to have thought of them, and just as the competitive business proprietor does not bother about the minus values he creates elsewhere, provided he succeeds himself, so the government have elected to pick out a particular activity, and do not need to study the feelings of others affected. Private enterprise is not, it is said, any worse off, because it had heartless competitors anyway before, and has now merely a public agency in place of them. But as has been said already, under public agency the scales are weighted much more heavily against the private business because of its position of power. It is much more than a mere substitution of one type of economic colleague for another. But a more material objection to this point of view is that the legislature, when hiving off a particular activity for public control, might well desire to cater for the interests of all indirectly affected parties, but, first, it does not know exactly



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what these will be till experience surprisingly shows the unexpected nexus, and second it cannot include a sphere in which its interest is small and occasional, it must draw the line somewhere, and beyond the boundaries it draws economic action and reaction go ruthlessly on. The second reply is that indirect effects are not the primary business of the administrator—if someone gets hurt he will yell out, and there are plenty of constitutional ways in which his grievances can be made known, and then the legislature can apply a suitable remedy by altering the scheme. The value of this privilege, crying out when hurt, in practice will be examined later.

### A NEW TEST OF "SUCCESS"

I venture to suggest that none of the current analysis as to the development of governmental functions really goes deep enough. The change that is taking place is much more fundamental and vital than is brought out by such ideas as "control," "regulation," "service." The main characteristic of a freely self-organised complex individualistic community is its dependence upon a price structure or system. Price equates demand and supply, and is the joint product of the evaluation of relative human effort required to produce, and of relative human intensity of particular desire. It is that sensitive point which is both a result and a dynamic. If it is moved far below a given point, it no longer pays marginal producers or production to bring forth the most costly parts of output, but at the same time at the lower price the demand is greater, and powerful forces tend to move price back to equilibrium. If it is put far above a given point, a flood of new production becomes possible, for more expensive costs are covered, and larger profits are in sight, but demand wilts at the more costly product, and again the forces tend back again. But much more important than the individual product is the effect of such a change of price upon other products—they are perhaps supplanted, or more in demand, by direct comparison. Or a reduction in price of a necessity allows, out of a static income, a new demand for a luxury to be satisfied. A disturbance of price is most far reaching. Moreover, price applies not only to products, which are really embodied interest on capital and services, its analogue applies also to the supply of capital and supply of service. There are many qualifications of all this, but in the main the marginal supply and demand affected by price are the most characteristic feature of our system. Now the more completely a system is planned as a whole, the less significant is the freely moving price test for the application of human effort to different points. The chief battleground of theory

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concerning the economics of a planned society is precisely this question as to whether a price mechanism can really exist, and what can be substituted for it. But closely regulated statistical demand schedules are conceived by some to take its place. The task of deciding without a competitive rate of interest, at what points most profitably to apply the community's capital resources is particularly difficult. The planned society may of course have the benefit of leaning upon the values or prices emerging from an adjoining non-planned community, but when every competitively ascertained price has been ruled out, a completely planned society rests upon other tests of relative cost and relative social desirability. Those of you to whom it comes as a surprise to be told that the price system, and not bureaucratic ability, or the human motive to replace the profit motive, is the hub of the problem, should study the book *Collectivist Economic Planning* by various authors, and the attempts made to get rid of the dilemma, in the *Economic Journal*.<sup>3</sup>

But as a society approaches progressively towards complete planning, the price system loses its integrity. The planned portion has prices which are forced and not free, and the subtle indirect effects penetrate into the unplanned or individualistic area and affect them even more violently. A successful or apparently successful economic activity in the one may be at the expense of a depressed economic activity in the other. The success of control or regulation in the one is not a final social verdict until the effect in the other is ascertained. The success of the Bacon Control Board or the Milk Marketing Board cannot be judged merely by the statistics of bacon or milk production. There are unexpected repercussions on the prices of pork, the character of imports, the alternative farm products that lie beyond the control boards' powers but that must be weighed in the *national* balance.

### MAXIMISING SOCIAL UTILITY

Perhaps I may put the question in economic terminology—this will make it quite clear, in its full implications, to a section, indicate it broadly to still more, and the rest of you must get my meaning through other channels. Social gains or losses may arise from a particular use of capital or direction of energy by government, quite apart from their direct results. But the Government's real task is to maximise social utility. Pigou elaborates a distinction between marginal private and marginal social net products, and takes into account "uncompensated services and uncharged disservices." A heavy tax on alcohol may be justified if it reimburses the State for the costs arising

<sup>3</sup> Vide also Van Mises' *Socialism*, Brutzus' *Economic Planning*, Prof. Robbins' *Economic Planning and the Industrial Order*, and articles by H. D. Dickenson, Maurice Dobb, A. S. Lerner, and others.

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from alcohol consumption. A tax on buildings in populous areas may provide playgrounds made necessary through concentration of population. Agriculture is of social value in developing citizens suitable for military training, and here private net product falls below social net product. Fishing or mercantile marine may stand in a like relation to naval recruitment and justify a subsidy policy. There is an incommensurable social utility derived from an expenditure on education. Many minuses and plusses must come into the total account for expenditure on roads facilitating motor traction, or on aircraft subsidies. If maximum social net product is the real goal, and maximising a particular individual net product only a means to an end, it must be someone's business to study not merely the latter, taking the former for granted, but the social aggregate.

The task of the administrator in the future much more than in the past, will, therefore, be to secure the maximum social net product, and the disposition and training best adapted for this will be that most valuable to the public. Two classes of people are clearly marked out as unsuitable at once.

First, the forceful, push-and-go, business man, of the single-management type, accustomed to fixing his goal and achieving it in a competitive world.

Second, the exactly trained civil servant, given to the analytical application of a legislative programme in a statute, co-operating with other departments similarly bound, working to the elaboration of a complete static programme to be generally applicable by principle and precedent.

In a society which has become progressively planned, the old idea that what the Government or public bodies take in hand must have pride of place because it is the "public interest" and what is left is of secondary importance because it is "private interest" must be profoundly modified. A sufficient aggregation of private interests becomes really a public interest too. A government action which indirectly puts all the cotton mills of Blackburn at a severe disadvantage, with their employees and shareholders, is only one kind of public interest riding on the back of another.

The interlocking with economic life is a question of degree which has been developing in front of our eyes. Let us glance at some of its stages.

### HOW GOVERNMENTAL ACTION AFFECTS PRIVATE ENTERPRISE

Not many years ago the problem of government finance involved the order and date of maturities and fundings, to secure the least cost or burden to the Government. Such a thing as timing and modifying Treasury expenditures to compensate the fluctuation of the trade cycle

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and flatten its amplitude was hardly conceived. Now, the use of governmental power in the money market is a common subject of discussion, and if governments generally become directors of monetary policy openly in place, or indirectly through the medium, of central banks, they will have to balance with great nicety the desire to do their own financing on cheap terms, and their duty to the general position of contracting and expanding credit. Governments are now dragged into the field of popular psychology and Wall Street's responses to Washington have been more subtle than ever before. One critic says: "Calm assurance from the political administration is helpful but it is of vital importance that it indicates a genuine and sympathetic understanding of the business man's point of view." It would be a small service to the people to secure an artificial renewal of loans at a low figure if the situation called for higher and protective rates, and the American Government's incursion into the realms of monetary management has already produced its dilemmas. The taxing authority over part of the area affects prices directly and consumption as controlled by elasticity of demand. Over another part his operations may affect enterprise and capital accumulation. Formerly, tax administration in tariffs and commodity duties alone were designed to have industrial effects—generally for sectional interests with the assumption that these did not run counter to the total national interest, or even that they advanced it. And sometimes they did. The administrator might observe, but he could not act. Grievances to Parliament were the only means of effecting change. In this country, our device of the Import Duties Advisory Board, secures the nearest approach to a scheme which considers all reactions and the whole national interest. Generally, new taxation is used widely to secure ulterior non-revenue objects. The German Social Scheme, the undistributed profits tax in U.S.A. are cases in point. The administrator must be at any rate an unrivalled repository of knowledge of effects and psychological reactions.

The controlling and regulatory services, Factory Acts, etc., may be presumed to add to the nation's wealth in the long run, though in affecting costs of production, if unwisely applied, substitution may set in, or foreign competition made easier. The defence services touch the economic community but little, apart from rearmament programmes, the spreading of orders, etc. But they spend money on services and materials, and their policy in so doing may have important reactions. They can buy in the short run cheapest market, without regard to it being the dearest in the long run, or perhaps opposed to some other governmental policy or larger social advantage. This applies especially to the patronage of what I have termed "creaming competition."

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The social services have a large responsibility for checking and promoting action which lies at the heart of social psychology. We see this in the effects of unemployment relief on transferability of labour, and many of the so-called abuses which have to be corrected. It is interesting to see the United States, which had an ill-concealed scorn for our dole reactions ten years ago, passing through identical experiences. The commercial services of State and local authority have an obvious interlocking. The control services through the various commodity marketing boards, direction of coal and iron and steel industry, get right into the ribs of the economic state. A national Post Office may run a parcels delivery service which is partly competitive in itself with privately controlled delivery agencies, but has the background and organisation of a large monopoly in other directions, and perhaps has not to justify itself independently in a profit and loss account, or bear large capital burdens. Some of it may represent a public convenience which could not be afforded by private competitors. It might so re-arrange its scales of charge as to put the private and rival method out of action, or so rob it of its main line of activity as to make the remainder much more expensive, these then losing ground to other private areas of activity. Thus, if over the field of identity of competitive action the postal department exploited its power ruthlessly, the private carrier by road or rail might lose his traffic, have to put up his prices to cover costs in transport of coal or oil, and thus let in coastwise transport or new pipe lines. The effect of the B.B.C. upon the magazine market in publishing the *Listener* will be remembered. The Government as investor in private enterprise for other State reasons, has strong temptation to use its other powers to protect it. When a Government possesses interests in one direction, there will always be a temptation to use powers intended for impartial use in quite different connections to support them. For example, a Government may, in the interests of general monetary order, be exercising an informal control or moral suasion over new issues and capital subscription, which is loyally followed by those who appreciate the advantages of such regimentation. The same government, for reasons of prestige or to support a policy, may have a large investment in a particular asset—a great new liner, a canal, or an oil property. A proposition for some new development which may make the asset less valuable or by competition, weaken its prospects of profitability, may come on the market. May the Minister use his power to “crab” or hinder a perfectly praiseworthy venture because its own interest happens to be potentially and indirectly affected? Such a case was prominently before the House of Commons some months ago, and after an initial period of hostility, freedom of action was allowed.

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Each may succeed in its particular aim, with repercussions which represent a high cost to the social dividend as a whole. We have already had experience of the tricky behaviour of the market after price-fixing—during the war and since—and now our experience extends to the indirect effects upon other markets and other commodities. With practice the direct technique of securing the current effects may be acquired, but the secondary repercussions, just as important for society, must be also the subject of study.

The administrator with compulsory powers and monopoly, dealing with a settled demand, ought to have no final difficulty in achieving this direct purpose, if he can shoulder everyone else out of the way. But the moment we expect him to have his eye just as solicitously upon what is happening in the free field and to be in fact a social maximiser, it is another story. At present governmental or administrative indifference to what happens to particular interests is spasmodically qualified by fears of consequences in war-time. Subsidies may support merchant shipping to prevent its decline to danger point. A branch railway may be ruined by public expenditure on roads with equanimity, until it is seen that it has strategic importance in war-time. The line of policy for air transport development may vary between the ideals of an Air Defence Department, a Civil Department and a Post Office. But the reconciliation of conflicting aims *within* the departments of State is a minor matter compared with the merging of the interests of directed activities with the general public interest.

Once it is admitted that the balance between control and non-control in society is deliberately chosen to maximise the social dividend, to get, so to speak, the best of both worlds, *the best administrator is the best maximiser*. If he, instead, goes ahead along the line of his main function, opinions about undesirable repercussions must be voiced by the press, by parliamentary representation or special protection societies, and inquired into by committees and Royal Commissions—a technique of change which is dangerous in lag, partisan in emphasis and sloppy in execution. With all the value of ministerial control, of boards and advisory committees and other checks upon bureaucracy and upon the so-called “new despotism,” as scientific agents and collectors and repositories of relevant facts these are fitful and discontinuous. Only the skilled and trained official can really be relied upon to keep continuity, system, impartial interpretation, tradition and disinterested impetus. The technique of social adjustment is a skilled one, and while I pass no judgment here upon the framework of government and control—and indeed, no change is necessary in the division of authority—I am quite clear that the official must be the mainspring of the new society, suggesting,



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promoting, advising at every stage. The time when the amateur control is all-wise for either seeing or saying what ought to be done, and the official's job is merely to do what he is told, is now completely past. As Professor Laski has said: "The lines of policy follow more naturally from the discoveries of the officials' technique than formerly."<sup>4</sup> He goes on to say: "At its best, the virtue of the English method is the same as that which distinguishes the relations between Minister and Civil Servant in a Department of the Central Government. It is built upon a natural appreciation of the contribution each can make, rather than upon any formal rules. Theoretically, the elected committee of amateurs is the master of the field. Actually, there is no definable limit to the influence the expert official can wield, granted only that he has the two qualities of disinterestedness and personality."<sup>5</sup>

### THE TRAINING REQUIRED

I have little time to deal theoretically with the type of training and experience that this new age demands. There is a strong *prima facie* case for a thorough reconsideration of the problem.

The insistence on a good general education as the test for posts of all kinds that are not technical is still strong. But it is often questioned. "Is it true that a man who can write good Latin verse has gone through such fine mental gymnastics that he is almost sure to make a good administrator? Or that the scientist is sure to reason well in all fields of life? The national Civil Service is recruited on that principle to-day." This recent writer urges that a statistical background, allowing for quantitative thinking is essential.

Several courses are open to us: We can examine experience in big business, in vocational guidance, in planned states abroad.

In the immense elaboration of the practice of vocational guidance and its literature, it is remarkable how little work has been done in the direction in which we are now vitally interested. For a correct "fit" of person and job, both sides of the equation need to be known with equal exactness. It is no use having most elaborate devices for testing the aptitudes of the individual, and, thereupon wasting all our scientific exactness by fitting him to a schedule of requirements for a particular occupation which have only been guessed or sketchily assumed. F. Parsons pointed out<sup>6</sup> at the beginning of the modern applied science of vocational guidance that it depended for its success upon three factors, the first being a knowledge of the requirements

<sup>4</sup> *Century of Municipal Progress*, p. 97.

<sup>5</sup> *Idem*, p. 98.

<sup>6</sup> *Choosing a Vocation*, 1909, p. 5.

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and conditions of success, advantages and disadvantages, etc., in different occupations, the second, the aptitudes and resources of the individual, and third, techniques for bringing these two groups properly together. During the past thirty years occupational study has been pursued with varying vigour, but rarely as persistently as the personal study, and indeed almost entirely on the physical and technical side. Kellor and Viteles in their great review of the subject, sum the matter up by declaring that the numerous monographs on vocations have made available fairly adequate information on technical and economic aspects. But "occupational analysis has suffered from a failure to arrive at precise facts concerning the psychological characteristics underlying occupational success."

Most occupational studies and monographs have been extremely deficient in their description of mental requirements.<sup>7</sup> Where efforts have been made they are often vague and indiscriminate. A British classification of vocations according to the degree of intelligence required<sup>8</sup> puts the Civil Service Clerk Class I in the Class I of its scale with lawyers, physicians, architects, chartered accountants and professional engineers, and the second division Civil Servant in Class II with reporters, veterinary surgeons, dentists and travellers. From the point of view of our particular quest this is as long as a piece of string. For it is not the degree but the *type* of intelligence and temperament and training that are all-important. A German, Piorkowski, has established a threefold classification of occupation, involving special abilities, the third for higher vocations involving such higher mental traits as decision, organisation, initiative, judgment and, above all, capacity to distinguish the essential from the non-essential. But no emphasis is given to the problems of government. Even the most elaborate of their psychographs or aptitude profiles make no place for him. It seems sufficient to treat it as a question of general intelligence.

Looking abroad, the results are equally negative. We may take the most completely planned State of all—Russia.

The Webbs give a full description of recruitment of the Communist Party, and state that forty per cent. of its membership are in salaried service in public administration, but party members are in a minority of those receiving departmental pay. Nevertheless, the key positions are almost entirely in the hands of party members. It is almost impossible to ascertain what are the personal and non-political qualifications for choice for high administrative office. There seems to be a negative selection through the periodic purges, when a charge raised by anyone of maladministration could lead to degradation

<sup>7</sup> "Vocational Guidance," p. 298.

<sup>8</sup> Cyril Burt and Winifred Spielman, "A Study of Vocational Guidance," pp. 15 and 17.



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from office. But ability to expound the faith and loyalty to policy count for much more than executive wisdom and skill. We should expect to find more help in the United States, nearer to our own forms of government and with a similar foundation. But in fact there is too much confusion about the things done to enable us to analyse the qualities of the men who do them.

C. F. Roos has a final evaluation of the N.I.R.A. in terms which indicate also the general nature of difficulties in planning in a relatively free order, and the repercussions to be met by the administrator. The task was herculean—the delicate balancing, on the scales of justice, of wages, hours and conditions, and of prices, terms of sale and rules of competition, in the most complex economic order in the world; the selection of efficient and honest personnel under most adverse conditions, and the necessity for rendering decisions acceptable to a politically minded Cabinet board.

Finally, we must conclude that the N.R.A. in practically all its phases—from the enabling Act to the final argument before the Supreme Court—was characterised by a lack of definite policy and of proper understanding of objectives. In the Act and its administration, such opposites as production restriction and increased use of productive facilities, price fixing and freedom of competition, vastly shorter hours of work and higher standards of living, drastic economic reform and recovery, public works to stimulate the heavy-goods industries and restriction of new private investment, and various economic panaceas equally or more contradictory, were borrowed from long-agitated movements, both good and bad, and hastily thrown together into an ensemble of contradictions. To such, the N.I.R.A. added a haphazard method of code writing involving the bargaining of two groups—industry and labour—whose strength varied from industry to industry, for the purse of a third—the consumer. Confusion was the inevitable consequence of such undirected bargaining—for a plant might come under two or more codes, different hours of work, unequal minimum wages, contradictory fair trade practices, different cost systems, multiple code assessments, and demands for statistics from all quarters. As a result, despite laudable reform efforts to abolish child labour, to eliminate intolerable unfair trade practices, to make competition function more smoothly through open prices, and most important, to promote discussion of economic issues, the N.R.A. must, as a whole, be regarded as a sincere but ineffective effort to alleviate depression.

“Yet the whole experiment should not be without great value to people throughout the world. Here in unprecedented fashion, opportunity was provided to observe in practice some forms of economic planning and to measure, at least in a meagre way, the resultant

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effects. Under the N.R.A. were posted warnings that should profoundly affect the political and economic thought of generations yet unborn." The point for us at present is that the experiment has brought out clearly the demands of planning on the administrator, but has given no guidance as to the proper choice and training of the official himself.

I have not been able to bring out the essential quality for success in a new order which consists of a delicate balance between common and individual action, and in which maximisation of the social dividend is the true test of success. I have suggested that the administrative problem will be essentially changed, and that there is room for calm consideration whether the old ideals and criteria of education, training and competence will necessarily hold good. To this aspect I may return at some future time. It is not a pleasant task for the elder men who feel sufficient for their day, but it is better to think our way into it than blunder over it in self-satisfaction.

# The Public Servant in France

By Monsieur L. M. E. ROCHÉ  
*Secretary to the French Embassy*

**I**F one were to ask the average Frenchman what the term "Public Servant" or "fonctionnaire" conveys to his mind, he would probably answer that a Public Servant is a dull-looking person, sitting idly behind a desk littered with dusty files, speaking French with a faint trace of Southern accent, liable to be grumpy or sarcastic and looking exceedingly bored when he is asked questions, a man who lives in the overheated den of procrastination where "all postponed affairs lose their character of urgency."

Strangely enough, in a country like France, where Public Servants are numerous, they are not very popular. Bureaucracy, "Red Tape," as you call it, is often referred to, with a shrug of the shoulders, as the curse of the country. Strong prejudices against Public Servants linger among large sections of public opinion, who do not realise the part they have been and are still playing now. Courteline's famous and entertaining book "Messieurs les Ronds de Cuir" may perhaps be held responsible for this turn of mind. Personally, I am of opinion that it must be attributed to the strong individualism of my countrymen, who have always resented being governed, and to whose eyes a Public Servant is the incarnation of Government.

The term "Public Servant" is difficult to define. According to French jurists it is applicable only to those employees of the central Government who have received a commission from a public appointing authority and who belong to a "cadre" of permanent employees, all of which involves a fixed monthly salary and the right to a retirement pension. Strictly speaking this definition excludes temporary employees and labour.

It seems however more appropriate to use the word "fonctionnaire" in its wider sense, which implies that a person is paid by the State and derives his salary from the Budget.

There is therefore no difference between a Minister Plenipotentiary and a postman, between a Governor-General and an usher in a

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Ministry, between a judge and a clerk, between the higher and the lower officials. They all are Public Servants, and there is in France no such organisation as the Higher Civil Service in England. But, if there is no equivalent to the English system, some of the high officials play practically the same part as your Higher Civil Service. On the other hand, lower officials who enter public administration, more or less as they would take a job in a bank or in big stores, are not very different from employees in industrial or commercial firms.

To have a general idea of the importance of Public Servants in France, official figures may be of some help.

In 1931, according to the "Bulletin de la Statistique Générale de la France," Public Servants appointed by the State, the "Départements" and the Municipalities were just short of one million. The general services of the State, "Départements" and Municipalities included 530,000 officials, whereas the Post Office Administration and the Industrial Departments included 410,000 Public Servants.

It means therefore that Civil Servants represent roughly  $2\frac{1}{2}$  per cent. of the French population including old men, women and children. In a city like Paris there is at least one family out of twenty in which the father is a public servant. But some people maintain that the proportion is even higher, that 10 to 12 per cent. of the French population live directly or indirectly on the Budget.

With the growing importance of social and economic problems, the State, in particular since the war, has had to play a more and more prominent part in the general management of the country. It had therefore to recruit an increasing number of Civil Servants, this increase amounting to 14 per cent. since 1914.

This implies that, if France is a country where public administration still preserves some of its old features and traditions, at the same time great changes have taken place in the conditions and outlook of Public Servants.

To have a fairly accurate view of what a French Public Servant is, I think we must proceed first to a short historical survey of French administration during the last century, then examine how Public Servants are recruited to-day and what their material and moral conditions of existence are.

### I.

I do not think it is necessary to go into the details of the administration set up by the Monarchy. The administration which was left by the old regime and had to muddle its way through the first years of the Revolution, was completely recast when the Revolution settled down, and took its definite shape when Napoleon came into power.

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Thus, in ten or fifteen years, the remains of the royal administration were either completely swept out or amalgamated with new institutions. Modern France still owes the framework of her administration to Napoleon.

The main idea of the Revolutionary and Napoleonic reforms was to create a highly centralised State in order to complete French unity, to do away with the centrifugal tendencies of provincial oligarchies and to put all public activities under the control of the State.

The French provinces disappeared and were purposely split into 83 small "*Départements*," each having at its head a representative of the Government: the "*Préfet*." The "*Départements*" were divided into "*arrondissements*" administered by "*sous-préfets*," the "*arrondissements*" into "*cantons*" and the "*cantons*" into "*communes*" or boroughs. The "*Préfets*" and "*sous-préfets*," appointed by the Home Office, were, and are, not only administrators, but chiefly representatives of the Government.

The financial and judicial systems were entirely reorganised. As you know, under the Monarchy, judicial functions were either hereditary or sold by the Crown. The "*Parlements*" were independent bodies and in many instances came into open conflict with the King. On the other hand, taxes were collected by Finance officials who had also to buy from the Crown a sort of commission. Everybody has heard of the *Farmers General*. This system was one of the first to be destroyed by the Revolution, and Napoleon replaced it by hierarchies of Public Servants appointed by the State.

Another important reform was the transformation of the *Conseil d'Etat*. The *Conseil d'Etat*, which originated from the old King's Council, became a purely administrative tribunal, and remained to this day perhaps the most important and most powerful body of French administration.

At the same time, the old system of education was reshaped. The "*Convention*" actually founded primary schools and reorganised secondary education which the Monarchy had entrusted mostly to the Church. It also founded large "*Central Schools*"—in particular *l'Ecole Normale Supérieure* (1794), *l'Ecole Polytechnique* (1794)—the aim and purpose of which were to provide the administration of the country with highly cultured individuals who could be employed in every walk of administrative life.

Thus a large and intricate network of well-trained officials was set upon France. The French Government having at that period to put up with constant warfare, the new system was tested and, to a certain extent, hardened by the difficulties with which it had to cope. France was then what we would call nowadays an "*authoritarian*"

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or "totalitarian" State. Paris became more and more the centre of the nation's life. Every branch of public administration had its headquarters in Paris. The new hierarchy established by Napoleon had a military flavour. All Civil Servants wore uniforms.

The outcome of those reforms was that, despite the frequent changes of regimes which took place in the course of the nineteenth century, public administration remained more or less what it was in Napoleon's days, a highly centralised body with a powerful hierarchy. Public opinion and all the whirlwinds of home politics profoundly changed the head of the system, that is to say, the form of government and the way responsible Ministers were chosen, but, once in power, the new head of the State, be it King, Emperor or President, had under its command the same limbs, the same administrative system and the same officials, so that, as it has so often been said, French administration actually "governed" France during more than a century.

French writers have sometimes grown lyrical about our administration. In his book on "*Le régime moderne*," the well-known philosopher and critic Hyppolite Taine wrote: "It forms one unique, vast monumental block in which all branches of the service are lodged under one roof . . . all the compartments are ordered and arranged alike, forming a circle around the magnificent central apartment with which each is in communication by a bell. As soon as the bell rings and the sound spreads from division to subdivision, the entire service, from the chief clerk down to the lowest employee, is instantly in motion. In this respect, the arrangement as regards despatch, co-ordination, exactitude and working facilities is admirable."

It would be of course most inaccurate to assume that public administration has been the one and only permanent feature of France for the last 150 years. Modern administration and modern officials are not exactly what they were at the beginning of the last century or even before the war. It remains true, however, that the administrative framework of France is based upon Napoleonic principles. "The Government of contemporary France," wrote M. Joseph Barthelemy, a well-known Law Professor, "is the result of a simple superposition of Parliamentary democracy upon the administrative regime of Napoleon."

### II.

Having outlined the background of French administration, let us see now where and how French Public Servants are recruited. We shall have to consider this part of the question from technical, social and geographical points of view.



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(1) Technically, all administrative posts in France are placed under the supervision of central headquarters, *i.e.*, of the various Ministries in Paris. Almost all officials, the higher and the lower, have to pass examinations or have to qualify for the post they want to obtain. This implies that they possess University degrees or school certificates.

There is of course a great variety of examinations. The officials whom I compared to your higher Civil Servants are recruited by what we call "les grands concours." Those "grands concours" lead to the "Conseil d'Etat," the "Cour des Comptes," the "Inspection des Finances," the University, Law and Medicine "agrégations," the Diplomatic and Consular Service, the Colonial Service, etc. There are various posts in the State industries which are reserved to the best students of "l'Ecole Polytechnique."

The examination system is in use not only for the more important Institutions or Ministries, but also for careers like Forestry, Public Works, or the Post Office Administration. Those examinations are, on the whole, very hard.

(2) From the social point of view, all administrative posts are theoretically open to all classes. "La carrière ouverte au talent." It sounds too good to be true, and French administration has frequently been accused of being the private property of the middle classes. This accusation is justified inasmuch as it is easier for rich people or for people who are comparatively well-off to give their children the education which will enable them to become Public Servants.

Of course many University Professors, Ministry Directors, Judges, "Conseillers d'Etat" are tempted to direct their sons towards administrative careers, and the son of a Public Servant, brought up in appropriate surroundings, is more likely than other candidates to be well trained for his examinations. Yet it is a well-known fact that every year a fair number of young men who bear the names of well-known "hauts fonctionnaires" do not succeed in passing these examinations.

One must not forget, on the other hand, that the French Education system affords every opportunity to clever young men of modest origins to secure important posts in public administration. In the large "Central Schools" like "l'Ecole Normale" and "l'Ecole Polytechnique," education is free. Students, there, are educated entirely at the State's expense and, if one investigates into the social origins of those students, one finds that a great number of them come from very poor families of the lower middle classes or even of the working classes. At the same time, numerous scholarships enable children, whose parents could not otherwise afford to give

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them a good education, to go through a complete course of secondary studies, and eventually to go to University or enter one of the Central Schools.

It remains true, however, that it is almost impossible for students to prepare for the more important State examinations (with the exception of those concerning Education) if they have no private means, for they usually have to wait a long time to run their chance, and the training and coaching for such examinations are, on the whole, expensive. The candidates who are worse off than the others often belong to families connected with the Higher Civil Service and who save every farthing in order to enable their sons to enter it.

(3) There is a third point which may help to describe the atmosphere of French administration: the influence of geography on the recruiting of Public Servants.

Some Civil Servants, but not many of them, are recruited locally, for instance village school teachers and postmen. The others, be they tax collectors, or judges, Home Office or railway officials, move from one place to another, from one tribunal, one university or one railway station to another, from the north to the south, from the east to the west of France.

It may be amusing to note that these Public Servants, who constitute the bulk of the administration, are mainly Southerners. This probably accounts for the Latin flavour which most English tourists are quick to detect when they land in the Channel harbours. The Customs Officer often is a Corsican and the Police Inspector a man from Limousin or Languedoc.

It is difficult to quote accurate figures, but I have been told from competent quarters that 60 per cent. of the French Public Servants are born south of the Loire. Now, if one bears in mind that, north of the Loire, Paris is in fact inhabited by a large proportion of Southerners whose families have been steadily flocking into the capital in the course of the last century, and, besides, that Paris is a great hothouse of budding Civil Servants, one comes to the conclusion that the proportion of Southerners is even greater.

Why is France, so to speak, "ruled" by the South and why does public administration appeal more to the Southern mind?

The first explanation I find is that Southerners are more gifted for examinations, as far as quick-wittedness is concerned, than people from the north. Their elocution is good, and they have a strong taste for Latin logic. They like things to be well-written and well-said. They are therefore better prepared for State examinations. They have—it is part of their temperament—a definite propensity towards philosophical or political discussions and towards all things connected directly or indirectly with public affairs.



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The second explanation is that the Southern population is mainly composed of lower middle-class people and peasants. The south being, generally speaking, less industrial than the north, there are not so many outlets for private initiative. The south is full of delightful, but somewhat drowsy old cities where the charm of the past develops outward eloquence and inward scepticism, two qualities which make its inhabitants believe that they are endowed with political sense. In the neighbouring fields and orchards, the young peasant, if he is a brilliant pupil at the village school, is urged by the schoolmaster to become a "scribbler," just as, in the old days, he was urged by the vicar to enter Holy Orders.

There is lastly the influence of politics. Southerners having, as I said, a leaning towards politics, it follows that the majority of French politicians come from the south of the Loire. These politicians help their electors or countrymen not so much to secure official posts as to climb the administrative scale, once they are appointed.

### III.

We must now examine the position held by State officials as regards their material and moral conditions.

(1) French Public Servants have never been very well paid. Before the war, it was an established fact that to be a Public Servant and in particular to be a high official, one had to rely less on a salary than on private means of one's own; that, France being a country where, on the whole, life was easier and the cost of living lower than in other nations, a Civil Servant had not to be a rich man to lead, if not a luxurious, at least a decent life. We shall see later on how the situation has changed in this respect since the war. Salaries have, nevertheless, remained very low. I cannot do better than quote a few figures which will show you what the highest officials, who embody the greatest administrative ambitions, receive from the State—

Vice-Président du Conseil d'Etat, Président de la Cour de Cassation,<sup>1</sup> Président de la Cour des Comptes, Président du Conseil National Economique, Secrétaire Général of a Ministry:<sup>2</sup> 150,000 francs (£1,000).

These are the highest officials in France and could almost be called the "dignitaries" of the State.

Président de Section au Conseil d'Etat, Président de Chambre à la Cour des Comptes, Procureur Général de la République at the "Cour de Cassation" or at the "Cour d'Appel" in Paris,<sup>3</sup> Directeur général of a Ministry: 125,000 francs (£833).

<sup>1</sup> Lord Chief Justice in England.

<sup>2</sup> The equivalent to Permanent Under-Secretary of State in England.

<sup>3</sup> Attorney-General in England.

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Président du Tribunal de la Seine: 110,000 francs (£733).

Conseiller d'Etat, Conseiller at the "Cour de Cassation," Conseiller à la Cour des Comptes, Directeur in a Ministry, Inspecteur général des Finances: 100,000 francs (£666).

President of a "Cour d'Appel" in the provinces: 90,000 francs (£600).

Conseiller à la Cour d'Appel de Paris: 62,000 francs (£413).

The president of a third-class tribunal (in a small préfecture or sous-préfecture), if he has been ten years in the service, receives 35,000 (£233) and the judges 20,000 francs (£133) in the same conditions, or 17,000 francs (£113) if they have been less than ten years in the service.

University professors in Paris, 62,000 francs (£413) to 90,000 francs (£600) and in other towns 49,000 francs (£326) to 70,000 francs (£466).

Lower officials, *e.g.*, Customs officers, begin with 10,500 francs (£70) and, when they reach the highest rank in their hierarchy, 30,000 francs (£200).

You will not be surprised if I tell you that French officials who come across "Whitaker's Almanack" and realise how different salaries are in France and in England, consider Great Britain as a sort of El Dorado.

On the other hand, French Civil Servants enjoy a certain number of guarantees.

Several laws and regulations prescribe that if a Civil Servant is insulted or assaulted while fulfilling his duty as Civil Servant, the offender can be prosecuted and penalties in such matters usually are of a strict kind.

Civil Servants can be suspended or dismissed only under special conditions and, in such cases, always have a right of appeal to the "Conseil d'Etat," which is the highest administrative authority and possesses the same rank as the highest Court of Justice. Besides, the "Conseil d'Etat" is competent to deal with all claims raised by Public Servants. This is one of the most important privileges of French officials, and they make a very wide use of it. Every year a great many officials prosecute the State for having been unlawfully moved from one post to another, for having been refused allowances they were entitled to receive, etc. (1,500 cases every year). The "Conseil d'Etat," being quite independent from the Government and from political influence, gives a final judgment and does not flinch, if necessary, from condemning the State.

Another guarantee is, as in most countries, the right to a retirement pension. The State deducts 6 per cent. yearly of the salaries to fill a special fund out of which it will be able later on to provide the

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Civil Servant with a pension. Those retirement pensions are very low, the highest ones do not exceed 45,000 or 50,000 francs (£350).

The bestowal upon Civil Servants of the cross of the "Légion d'Honneur," and promotion in this order, were, in the course of the nineteenth century, a most envied privilege. Very few people reached the rank, or rather the dignity, of "Grand Officer" or "Grand Cross," and when a mere "officer" of the Order died, an infantry detachment marched with muffled drum behind the hearse. To-day the "Légion d'Honneur" has lost much of its glamour. It is still bestowed upon Civil Servants, but less as a reward for outstanding services rendered to the State than as a sort of certificate that they have been faithful servants of the nation for so many years.

(2) The social position of French public servants varies very much according to whether they live in Paris or in the provinces.

In Paris, nobody pays any attention to Civil Servants, although the work they are doing there is more important than in provincial towns. With the exception of a handful of high officials, they have, as such, no social position and no conspicuous part to play. Much to the contrary they are liable to be looked down upon on account of their small means. Theatres and newspapers are full of satires and cartoons casting ridicule upon State officials.

Yet, State officials who work in the various Ministries or in important public institutions are, on the whole, hard workers and render great services to the nation. They are not, as too many people think, the slaves of laws, bye-laws and regulations. Their main concern is not to shirk initiatives. In Paris, many high officials co-operate either with politicians, or with representatives of the big economic or social interests of the country. They frequently suggest reforms. They assume much greater responsibilities than public opinion thinks and, instead of being merely executive officers, they often are innovators, thus defying the famous saying that "precedent is to a Civil Servant what brains are to man."

If high officials have no social position or practically none in a large city like Paris, I do not think they suffer much from it. Those badly-paid and looked-down-upon State officials have a very strong sense of independence and, if rich merchants have a tendency to pity those unfortunate beings who work themselves out for nothing, it is equally true that Civil Servants foster a rather contemptuous form of "admiration" for people who manage to make money. They live among themselves and form little cliques, I might almost say castes, which ignore the rest of the world, and they have the innermost conviction that they are trustworthy guardians of the State.

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Provincial life is different. Officials mix with the local population and play a greater and a more conspicuous part in social life.

In a village, the schoolmaster plays a prominent part. He does not confine himself to teaching peasant children, but being usually, owing to his knowledge and his style, the Mayor's secretary, plays a leading part in local politics.

In "Préfectures" and "Sous-Préfectures" Civil Servants are known by sight. They meet at all the official functions they have to attend, such as the unveiling of a memorial, the burial of an important citizen, military parades and banquets, etc. They form a sort of "élite" with which business men and landowners, shopkeepers and farmers, the lower middle classes and the gentry have to reckon. Hence the personal intercourse they have with the prominent families of the town. Except in large manufacturing centres like Lille or Rouen, where mill-owners are very exclusive, like Lyons where the silk trade is a sort of peerage, like Marseilles where oil and soap manufacturers are little kings, or like Bordeaux where wine merchants develop the most surprising forms of snobbery, except in a few large industrial centres, State officials are secretly envied by the local population and have a fair amount of prestige.

The smaller the town is, the more important State officials seem to be. For instance, the "Préfet" of a small town is "in the lime-light of social life." He attends shooting parties and local races, awards prizes to school children, inaugurates everything which has to be inaugurated, delivers speeches and has his word to say about the all-important candidature to the "Légion d'Honneur." No Parisian knows the names of the "Secrétaires Généraux" of the large Ministries, of the high officials you would call "Permanent Under-Secretaries of State," but every inhabitant of Loches, Lodève, Carpentras or Montelimar knows the name of the sous-Préfet and, while pretending to be indifferent, is secretly flattered when "Monsieur le Sous-Préfet" shakes hands with him. One has to loiter around the "Square Gambetta" or near a bandstand on a fine evening in the South, to realise the importance of the local hierarchy and to study and admire the way people bow to one another and take their hats off.

To understand the part played by State officials in the provinces, you may also remember the indignation roused among small towns when M. Poincaré suppressed several Tribunals and Sous-Préfectures.

### IV.

To complete this rough sketch, I must give now a brief account of the evolution of French administration since the war.

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(1) Before 1914, a great number, probably the majority, of Civil Servants were men of limited ambition. As I told you, they were people who, as a rule, had enough private means to content themselves with a low salary and all they wanted was to lead an independent life with none of the uncertainties of private business.

Since the war, things have changed greatly. Under the influence of public finance, the middle classes, among which the higher Civil Servants are mainly recruited, suffered more than any other from the various slumps of the franc and from the corresponding slumps of Government securities. The franc having gone down, the Government had to raise the salaries of public servants. The lower officials soon obtained an increase of their salaries, but not always in proportion to the actual diminution of the purchasing power of the currency. The high officials had to wait for years and are even now comparatively much lower paid than they were before the war.

(2) The economic and social problems of the post-war period have influenced also the recruiting of Civil Servants.

Civil Servants being underpaid, the new generations were not very eager to enter public administration. Many young men passed State examinations, "*Grands Concours*," only to prove that they had reached a certain level of culture, but they left their respective services as soon as they could and usually found well-paid posts in industrial or commercial firms, in what you would call "*the City*."

In 1927, which was the worst year as far as the recruiting is concerned, out of 90 "*Inspecteurs des Finances*," 74 retired. In 1927 again, 70 per cent. of the young men who had passed the University "*agrégation*" (one of the most difficult examinations in France) resigned at once.

One of the recent phenomena is, on the contrary, that, owing to the difficulties the young generation encounter when they try to find work in private firms, owing to the economic crisis and to unemployment, public administration has regained some of its lost prestige. Many gifted young men who, ten years ago, would have thought of nothing but of making money straight away and who would have despised administrative careers, endeavour now to become Civil Servants. For the last seven years or so, there has been a growing number of candidates who think that, after all, it is safer to be a badly paid official than to run the risk of being all of a sudden turned out of a bankrupt firm.

At the same time, owing to the reforms undertaken in the Education system, a change is bound to take place as regards the social classes which provide the State with Civil Servants. The new system makes secondary education entirely free of charge. The "*Lycées*," i.e., the secondary schools, are full of schoolboys who in former

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times would have remained in primary schools. Within ten or fifteen years many of these children will be able to qualify for State examinations and become Civil Servants.

(3) Great changes took place since the war not only in the mentality of Civil Servants, but also in their legal status, and this under the influence of the lower officials, who have had a tendency to identify their position and their claims with those of the lower middle and working classes, with the employees and workmen of industrial or commercial firms.

One cannot expect lower officials who do not share responsibilities in the management of public affairs to take the same views as the higher officials. They know their numerical and therefore electoral importance. They could not help noticing that labour, if their interests were jeopardised, had definite means of compelling their employers to increase wages. Lower officials therefore adopted the same methods, often with success. They formed unions, which are now legal, and they even assumed the right (not quite legal, but recognised in practice) of going on strike.

This is of course a considerable development. All Civil Servants now have the right to join the "*Confédération Générale du Travail*" and practically all the "professional associations," which already existed in each Ministry, have done so.

### V.

Such are French public servants of to-day. I did not conceal from you some of the shortcomings of our administrative system. I even wonder if I was not too critical and did not indulge in the typically French habit of criticising my own country. Perhaps also, being a Civil Servant myself, I am more sensitive to those shortcomings. I suppose therefore that I may end on a more optimistic tone.

In spite of the few imperfections I mentioned, it is one of the remarkable features of French administration that, from the beginning of the nineteenth century up to the present day, notwithstanding the unsteadiness of our home politics, our constant changes of Government, the financial and social turmoils of the post-war period, the high officials have greatly helped to keep the political balance of the country. It is indeed the certainty that French administration will hold on which encourages French political parties to make experiments.

If France was able to weather so many storms, to go through so many fateful crises, she owed it mainly to a few thousands, perhaps a few hundreds, of high officials who had a sense of responsibility, to what we call "*les grands commis*," to men of high intellectual



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standing who, through generations, with much disinterestedness, devoted their lives to public administration.

If we consider the work thus achieved, it is no less remarkable that most of the legislative reforms undertaken for the last fifty years are due to the initiative of these "grands commis." For instance, the social laws passed by Parliament at the end of the nineteenth century were drafted by "l'Office du Travail," which was entirely composed of higher Civil Servants.

It may be true then that some of the highest officials lead a comparatively obscure existence and have no regard whatever for the outward appearance of life. Yet, if one knows the amount of work they have to put up with, the responsibilities they have to assume, and the little reward they get in return, one cannot help admiring their lack of material ambition and one cannot help feeling that they are prompted by a strong ideal.

Thus the old "fonctionnaire" spirit remains, to a large extent, practically unspoilt. As regards the lower officials, I think I could sum up the situation by applying to them what Raffet, the famous artist, wrote years ago on a drawing representing Napoleon's Grenadiers: "Ils grognaient, mais marchaient toujours." (They grumbled, but went on marching.)



# Adult Education for the Educated<sup>1</sup>

By Sir RICHARD LIVINGSTONE, D.Litt., LL.D., M.A.

*President of Corpus Christi College, Oxford*

IF anyone wished to design a coat of arms and find a motto for the human race, intended to indicate not what men should be but what they generally are, he might consider the following suggestion—a field with a sun rising, in the foreground a rut with a human being deeply imbedded in it, his back turned to the sun, and the motto *J'y suis, j'y reste*. That is what Mark Twain meant when he told the story of the man who was in prison for sixteen years, then trying the handle of his door found it turn and walked out to freedom. This fable contains one of the important lessons which we need to learn about ourselves and, once learnt, not to forget. Most new developments from Boy Scouts to Safety Razors and “Stop me” ice creams, are simple, obvious and indispensable when they have been discovered, needing for discovery no elaborate machinery or exceptional ingenuity. Every year gives us something in the sciences, in the arts, in ordinary life, which, once it has been disclosed, we wonder that we could have ever overlooked or dispensed with. It is on something of this kind that I propose to speak to-day.

The present theory of our education—or at any rate its practice—is that every human being finishes his systematic education at a specific age; most of us at 14 or 15, the majority of the remainder at 17 or 18, the rest between 21 and 23, and that after these ages the need for systematic thought and methodical study are at an end. It is surely monstrous that some 70 per cent. of the population are withdrawn from all formal educational influences at the age of 14, and that we—or some of us—are comforted by the possibility that in time they may remain at school till 16, as if education was more than beginning at the age of 16. But it is almost equally absurd to regard formal education as ended when a man has been through school and university. No doubt it is better that education should cease at 21 or 22 than that it should cease at 14 or 15 or 16. But who can suppose that spiritual and intellectual growth ceases and

<sup>1</sup> An Address delivered to the Educational Section of the British Association, September, 1937.

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knowledge and wisdom are finally achieved when a university degree is taken, or that the need of knowledge and wisdom does not grow more urgent with the passing of the years which bring us to positions in life when our influence on others is greatest and most momentous, influence on the state, influence on colleagues and associates, influence on dependants, influence at least on our own families, and when, concurrently with these inevitable opportunities and duties, the cares of this life, if not the deceitfulness of riches, tend to choke the Word and it becomes unfruitful? Consider how far—for this is the question—a graduate when he leaves the University is prepared for life. Presumably he has had a thorough mental training; that is he knows how to read (as opposed to perusing) a book, how to weigh evidence, how to tackle a new subject—in short how to use his mind, at least in the field which he has studied and in fields cognate to them. That is—or should be—the first and the most important result of a good education. Second, he has presumably acquired a background of knowledge. I will use a metaphor to explain what I mean by this. The world is a jig-saw puzzle, the pieces of which are put into our hands, a chaos of isolated fragments, which yet could be fitted into an intelligible and even beautiful pattern, if we had the knowledge and imagination and wisdom to do it. To the uneducated man the phenomena of the world and the incidents of his own life are separate bits of experience, which come before him singly, which he makes no attempt to combine into a whole, and in whose connections he is not interested. The educated man has had a glimpse of the design, or at least of a possible design; as each bit of the puzzle comes into his hands, he is aware that it is more than itself, and studies to fit it into its place in the whole. He has some conception of science and of what it can do; some knowledge of the history of man and of his adventures in the world; some grasp of those patterns, religious, intellectual, moral, by which prophets, poets and thinkers have tried to interpret human life—as it were, to put it together. He has got important clues to his jig-saw puzzle; he has a background to his life.

So far, so good; and if we were going to die at the age of 22 or a little later, all would be well. But most of us are going to live longer, and as we grow older to get into our hands increasing power—power over the fortunes it may be of the nation, of a government office, of a municipality, of a federation of employers or a trades union, of a university or college or school, of a business, of a family. In these later and most important stages of life can education do nothing further for us beyond what it did in early years? Did the need and use of it stop at 22? Were we sent out from the university finished articles, requiring simply to be seasoned by

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experience of life? Perhaps, if the world stood still, the answer to the questions would be yes, and education, like Baptism or Confirmation, be an *opus operatum*, which once done needs no repeating. Unfortunately, the world does not stand still. πάντα ρεῖ is the motto of the twentieth century; everything is in a flux and, as Heraclitus said, you cannot step twice into the same river.

By the time, indeed before, a man is forty, the world of his twenties will have changed, new problems, ideas, forces, methods, revealed themselves, and with all of these he ought to make his reckoning.

But can the further reckoning be made without systematic education, that is without methodical study under some guidance from experts? Some people perhaps can make it, without such study, by private reading. But private reading has its limitations: we may not always know what books to read: we cannot ask books questions nor (equally important) can they question us: and do all people read even when they can? We need at least occasional periods when we can resume our education methodically and have leisure to renew our studies, deepen our knowledge, rethink our position, and, possibly, revive our ideals. The graduate who leaves the university is like a man equipped with a new motor-car, which needs indeed to be run-in but is otherwise in excellent condition for the road. But if he uses it for years without thorough periodical overhauls, it will cease to be a useful means of transport, and probably become a danger to the public.

And are not all of us in practice acquainted in life with such obsolete vehicles, cumbering a garage or crawling along the road. Are not all familiar, in parliament, in the churches, in education, in medicine, in government and municipal offices, in business, with men of forty years and over, whom the tide of their education carried some way up the shore and who are content to remain where it deposited them years before, who have found their way into directing posts by merit, by seniority, by mere efflux of time, who should be the pumps to drive the water of progress onward, and are at any rate the pipes and conduits through which it must pass, but who are in fact so furred and fossilised that they prevent its flowing at all. They may be men of ability and good will, they may have had an excellent education. But they are living in the world as it was when they were in their twenties, they have lost the intellectual and imaginative vigour which would have enabled them to move with the movement of the times; the pace is too much for them, it frightens them; routine, which is another name for action divorced from thought, gets an increasing grip on them; and the younger generation grumbles impatiently: "When will they retire or die, so that we can get on?"

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This is one of the great problems of the age, the problem how to keep the middle-aged young. It is an individual problem, but it is much more than that, for it affects social and political life at every point. For the purposes of that life the middle-aged are more important than the young; they occupy inevitably most of the key posts and directing positions in national life; and they have the experience of human nature and affairs which are indispensable for practical business and which youth in the nature of things cannot have. It would be disastrous if men were physically old in their fifties, as they used to be, but it is an even greater national loss if most of them lose their intellectual and spiritual energy by that age. In the physical realm we have solved the problem; to-day a man of 60 or 70 may be physically almost a young man, and our attention needs to be given to the even more important question of preserving his intellectual vitality, if not intact, at any rate in good repair. It can only be done in one way. The body will not remain fit if its owner leads a sedentary life; nor will the mind. But what is the regimen necessary for preserving its youth?

I can put the answer in two words—Adult Education—of a new type. At present we tend to use the term as if adult education was a means by which those who leave school early could repair the gaps left in their knowledge or the deficiencies in their mental training. But it is the need of all; for all men have such gaps and defects, and the gaps grow greater as the world's knowledge advances. We need to become familiar with the idea that everyone engaged in routine or practical work, especially if he occupies a directing position, needs periods of systematic study in order to refresh and re-equip and reorientate his mind. There is no occupation or profession in which the resumption of systematic education in later life would not be profitable, and there are few human beings who would not greatly profit by it.

Few would dispute this suggestion. But is it practical with the present organisation of our life? How are people to leave their occupations for periods of three to six months? One answer to this objection is that life might be reorganised to enable them to do it—as it was reorganised when child labour was forbidden and as it ought to be reorganised to permit universal part-time continued education to 18. But even under present conditions there are occupations in which a systematic resumption of education is possible, and there are cases where it already exists. There are summer schools on many subjects. There are Adult Education Colleges like Newbattle and Coleg Harlech (though these are for a different type of student), and, for political studies, Ashridge. Closer still to my idea are the refresher courses for doctors, and vacation courses for teachers organised by the Board of Education and, even more

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admirable, in some cases by the teachers themselves. But if doctors and teachers need such courses, do not other professions need them also? Are medicine and teaching the only occupations in which knowledge grows, methods improve, and human beings run the risk of stagnating?

I will now mention certain occupations in which Adult Study could be easily arranged, and in which it seems particularly desirable, because of their immense importance to the nation, because of the continual progress and enlargement in their field, and because in it both it is most desirable that their officials should keep abreast of what is done by foreign nations as well as here. I mean the Civil and Local Government Services—in which of course are included the teachers in schools controlled by the Government and the Local Authorities. In connection with them I propose to mention two experiments on the lines which I have suggested that were tried in the last twelve months. The first is the award of three Fellowships for study in the U.S.A. made by the Commonwealth Fund to civil servants, to enable them to carry out inquiry or research on problems "akin to those which come within the scope of the Department in which they are serving." They are tenable for a minimum period of six months, and a maximum of twelve. This year three Fellows have been appointed to study respectively:—

1. The system of granting patents in the United States, and its effect in encouraging new industries.
2. The place of music in American education.
3. The industrial organisation of the United States coal industry.

Here you have an example of adults already engaged in professional work resuming their education. The second instance is a Summer School in Colonial Administration organised by Oxford University with the encouragement and help of the Colonial Office and Colonial Governments, which in its character and the breadth of its scope seems to me a model for such purposes. It dealt with detailed problems of Native Administration but it placed them in a wide general and comparative setting, including not only lectures by foreign experts on native administration outside the British Empire, lectures on local government, co-operation, education which might throw light on these issues in our dependencies, but also lectures on general economic, political and international trends. The mere meeting of more than 160 officials, drawn from many different parts of the British Empire, and comparing their respective methods and problems, must have been an education in itself. The experiment, as one of those who took part in it said to me, "revealed a tremendous need, whose existence we had never suspected." Both these are instances of the practice for which I have been

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pleading—the resumption of systematic education by adults engaged in practical work.

These instances show that the whole thing is in the air. The need for such resumed education is felt—hardly consciously perhaps—and scattered provision for it is being made. Only the other day Sir Josiah Stamp announced the creation of a Staff College for the railways.

There is urgent need for Adult Education of the kind which I am describing, and the best agencies to satisfy it are the universities, for they have the teachers, the libraries, the atmosphere and tradition of study and research. In a measure they have also the facilities. Most university bodies (notably, in the field of Social Science, the London School of Economics) have teaching and courses of the kind required. But they need to conceive such Adult Education as a regular department of their work and to push it—to do in fact in this field what they have done in the field of Extra-Mural Education. And they need also to organise definite curricula by shaping and grouping those courses which they already have and where necessary providing new ones. In most universities an adult student who wishes to study a special subject can find without difficulty what he requires. But if he requires something more than specialist study, if he is looking for a course which will place his peculiar subject in a more general setting and enable him to see it not as an isolated phenomenon, but against its background of modern civilisation; still more if he wishes to get a general view of the world problem with its many aspects moral, political, scientific, legal, he will be puzzled where to turn. No doubt by selecting lectures from different university departments and faculties, he could get what he wants. But it is not easy, and the university should help by making the selection itself, and drawing up definite programmes for Adult Study, in which many of its existing lectures would appear.

The universities can provide the water; but they cannot get the horses—or the right number of horses—to drink it. This is the task of the employer—in the first instance of the State and the Local Authority—because they are in a better position than any other employer to encourage the further education of their officials, and because the nation will gain most by their doing so. Already some Local Authorities have given certain of their officers sufficient leave for part-time study. In the recently instituted Diploma Course in Public Administration at Oxford, 6 of the candidates were persons between the ages of 25 and 35, holding positions in municipal, county or rural government, who had passed their technical examinations but were not graduates. Five of them took the course by part-time study, obtaining sufficient leave for this from the Local Authorities employing



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them, but carrying on their regular duties at the same time. But an arrangement of this kind, though much better than nothing, involves strain and prevents that full absorption of the mind which is desirable in higher studies, and I suggest that the State and Local Authorities should make a regular practice of seconding, on full pay, in the first instance a limited number of their promising officials for higher study, then extending the practice as experience suggests.

It will be said "you wish to take away, for six months or a year, our best men, just those whom we cannot spare": and if "do not wish" is substituted for "cannot"—there are no impossibilities in these matters—this is a frank plea. But it is a bad one. It is the plea of the poor parent who does not wish his child to go to the secondary school, because by staying at home the boy can earn money forthwith; of the business man, who wants to get his able son at once into the firm and grudges the expense of time in his further education. It is a plea which (if nature did not show its absurdity in this case) could be made against giving holidays to an efficient official. "He cannot be spared." He *is* spared, because otherwise he would break down; and when it is realised that periods of systematic study are as necessary to the intellectual vigour of the mind, as periods of recreation to the health of the body, such periods will be recognised as a necessity, in order to avoid a different kind of breakdown, chronic and unrecognised, from which at present many officials and offices suffer. No one would hesitate to forgo the immediate use of money, if by parting with it for six months he could earn an ample return; and if there is any truth in the arguments which I have used, the return will be ample, and the abler the official, the ampler the return, both for the man and for the body he serves. A man lives with details and immediate problems in the narrow deep-sunk pit of his daily work, and needs at times to climb out of it and look round; to see not only the department with which he is concerned but his occupation as a whole, and that occupation's place in the wider order of things; to remember that principles should guide individual decisions and to consider what these principles are; to study related problems and methods in other institutions and countries. Every moment the crust of routine is forming over the mind, thickening, and impairing its fertility; only a continually renewed activity of thought can break it up.

What I envisage then is the growth of a practice by which the Government and Local Authorities will regularly second their more-promising officials for periods of systematic study at the university. The growth may be slow. The more intelligent authorities will take the lead, and their reward will be not only that their officials will acquire a stimulus and knowledge, difficult or impossible to get any



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other way, but that the best men will wish to be their officials. Nor of course should the practice be confined to Civil and Local Government services: though it may begin with them. Some big firms already give study leave to picked employees: that is a habit which may well grow.

If the practice of resuming systematic education in later life became common, if in particular it became customary for the Civil Service and Local Authorities to second suitable officials for periods of study, a step would have been taken towards remedying a serious weakness in our national life—the neglect of the social sciences. There is much yet to be discovered in the field of the natural sciences, but no one can complain that they have been overlooked. But civilisation needs other kinds of knowledge as well, and the social sciences, essential if political and social life is to have a chance of being rationally built on a basis of ascertained fact, are in almost pre-Copernican darkness. I need not emphasise a defect on which Sir William Beveridge, Professor Carr Saunders and others have recently dwelt. How is it to be cured? Not by increasing undergraduate students of the social sciences; the undergraduate is not the person to advance knowledge. That is a task for the graduate. We must look therefore to larger endowment of the Social Sciences and to an increase of postgraduate workers in them. But we shall find difficulties in the Social Sciences which do not meet us in Natural Science. They are far more difficult subjects of study than the Natural Sciences, because to a large extent they are not laboratory subjects. They deal with human problems, and while you can isolate physical or chemical phenomena, you cannot isolate human phenomena, and therefore you cannot study them *in vacuo*—in a library or an institute—whether your subject is the Mobility of Labour or Municipal Trading or Public Assistance or Health Services or Methods of Election or Profit Sharing or the Psychology of Politics or any of the innumerable inquiries that belong to Sociology. Books, statistics, will take you some way and give you valuable and indispensable knowledge. But there remains a kind of knowledge which the academic student can never have, but which is possessed by those who have been in actual contact with the facts themselves, by the panel doctor or the city treasurer or the election agent or the managing director. Some of them at least have information which has not found its way into books; they are in a position to collect data and to make first-hand investigation. And besides concrete facts, they have a form of knowledge which may hardly be rational or even conscious, a sort of tact or instructive perception of things as they are which springs from living with them as they are. Unless this rich, immediate, if sometimes inarticulate knowledge can be tapped, the study of the

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Social Sciences will be not only incomplete, but unreal and misleading.

You can tap it by bringing back to the university those who have it—the civil servant, the municipal official, the doctor, the business man. Thereby you will not only add considerably to the data on which the Social Sciences must depend, and secure that cross-fertilisation of theory and practice, which is one of the most fruitful sources of advance in knowledge, but you will insure against a real danger. The Social Sciences are the most difficult of all sciences, because their subject matter, human nature and conduct, is vast in extent and obscure and elusive in character. Any suitably intelligent and hardworking person may produce creditable work in Chemistry or Physiology, and even his errors will do no serious or lasting harm. It is otherwise with Sciences which aim at directing the policy of governments and the conduct of millions of human beings. For the study of such sciences a rare combination of high intelligence, acute insight and steady common sense is needed. The progress has been retarded not only by a failure to recognise their importance but also perhaps by a perception of their risks. Many of us regard psychology for instance with a mixture of respect and apprehension, and psychologists with a mixture of interest and mistrust. The history of their subject is strewn with the wrecks of theories, which once were the latest wisdom and now are outworn errors. Their investigations need to be assisted by every precaution, in order to avoid mistakes which may be disastrous and which discredit a study indispensable to the world. What better precaution can you have than an alliance of the laboratory worker and the practical man, in which theory illuminates and explains experience, and experience tests and checks theory? As Homer said, "When two go together, one thinks for the other."

I have suggested a new function for the university—the organisation of Adult Study, not for those who have missed education in adolescence and youth, but for those who have had it. We might expect from such developments two most important results. They are the only remedy for that chronic intellectual ill-health from which, generally without suspecting it, all of us more or less suffer with advancing years, because we do not take enough mental exercise. And they would be of immense assistance to those long-overdue Sociological Studies, which should be the most important scientific development of the next fifty years.<sup>2</sup>

<sup>2</sup> *Note.*—In the new Nuffield College, founded in Oxford for postgraduate study since the above was written, provision is made for the co-operation of scholars and practical men. Lord Nuffield expressed his wish to bring "to Oxford experts from the practical field to co-operate in the theoretical study of social problems." Provision is accordingly made for the appointment of not more than twenty "University Visiting Fellows, who shall be persons competent to assist those engaged in the University in research by giving them the fruits of their practical experience in the professions or in industry or commerce." Nuffield College may also come to play an important part in "Adult Education for the Educated" of the kind indicated in the article.

# The Trend of Local Government

By A. H. MARSHALL, Ph.D., B.Sc.

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*[Paper read before the Midland Group of the Institute on  
17th March, 1937]*

THE dominant note in current politics is the insistent demand for more government. Whether in communist Russia, fascist Italy or democratic England, Governments assume more and more burdens every year. It is not, therefore, my theme that the amount of government will diminish. Nor do I believe that the Central Government will take over the present duties of local authorities. My contention is merely that local government in its present form is destined to be modified—possibly almost beyond all recognition.

The outstanding feature of the history of local government during the past century has been that services, once purely local, are now regional or national. A century ago, for example, roads were a parochial charge. During the century the area of administration has gradually widened, first to the district, then to the county, and finally from the 1st April, 1937, the Central Government became responsible for 4,500 miles of what are to be known as trunk roads. Doubtless any one of my listeners could cite other examples. The same tendency is seen in a slightly different form in the larger areas of local authorities—a tendency which has received an impetus since 1930 when county councils were compelled to make reviews of the areas within the county. A major adjustment of areas has, however, yet to be made. Equally significant are such provisions as those which enable expenses which benefit a particular area to be spread over the whole area of a district council, and in the power of the county council to contribute out of the general county rate sums towards certain of the health services of the districts within the county.

Notwithstanding these developments there is agreement among all observers that far greater changes in the same direction are urgently needed. Numerous Royal Commissions and Sub-Committees have

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considered individual services. Nearly all tell the same tale—the actual areas of local authorities are settled mainly by historical accident, whereas the proper areas for services are determined by geographical and economic factors. The unsuitability of the present areas for river pollution and water supply need no demonstration, but there are less obvious examples, such as the library service. Thus it has been pointed out that, whereas the number of policemen which a town requires depends largely on its size, in the case of a library a town of 5,000 population requires more than half as many books as a town of 10,000. Numerous Committees and Commissions have also reported that in county districts the overlapping of duties between the county council and the minor authorities gives rise to many difficulties. Perhaps the best illustration is that of Education, where the administration of education may be divided between an urban district or borough, which is responsible for elementary education (including the provision of senior schools), and the county council which provides the higher education. Curiously enough, in this case, the more energetic the elementary education authority in providing senior schools, the more embarrassed the county council may become, and the more difficult it may be for them to provide economically for the necessary secondary school accommodation. Small wonder that the Hadow Committee recommended that only the larger county districts should be allowed to retain their education powers.<sup>1</sup> It is illuminating to take a list of the duties of local authorities and consider how many of them could be more economically administered over a wider area. The list would include electricity, gas, transport, water, aerodromes, sewage, many of the health services, education and libraries. For financial reasons it would also be necessary to include Public Assistance, while all services which involve expensive institutional accommodation, such as mental deficiency, demand either joint arrangements or a large area. The only purely local services appear to be baths and parks, and possibly local roads, together with a few minor services. Furthermore, it is apparent from the evidence submitted to the Royal Commission on local government that the lack of financial resources often prevents many of the purely local services from being administered satisfactorily on a local basis. The position has been summed up in general terms by the President of the Institute of Public Administration as follows:—"Thus the effect of applications of electricity and transport improvements is clearly to make the original areal extent of city or provincial Governments quite inappropriate, and the division of functions and methods of administration archaic. If these resist change unduly, they make

<sup>1</sup> For a detailed discussion on this point see W. A. Robson, "The Development of Local Government," pp. 65 f.

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it more difficult and frictional, and the applications of science less profitable and less readily acceptable."<sup>2</sup>

All this is now a commonplace. My main concern is to call attention to certain tendencies of recent years, which not only make the need for a measure of regional government more urgent than ever, but which also are unifying the interests of local authorities in an entirely new way.

In the first place there is the change brought by the Block Grant. Before the institution of the Block Grant in 1930 local authorities received most of the Government Grants on a basis which made the amount of the Grant dependent largely on their own action. If they were active they received a high grant; if they were inactive the grant was low. In no case was the grant at Birmingham affected by anything which happened at Blackburn. The Local Government Act, 1929, abolished a number of these grants and instituted what is now known as the Block Grant, under which a certain sum of money is placed into a pool and distributed to authorities in proportion to their weighted population. Thus, the grant received by an authority depends not on its own weighted population, but on its own weighted population in relation to the weighted population of other areas. The weighted population is supposed to be a measure of the needs of the authority and of its ability to meet those needs. If, therefore, an authority with a stationary actual population became more prosperous, while all other authorities became less prosperous its grant would decrease not only because of its own increased prosperity, which would lessen its own weighted population, but also because of the increased weighted population of other authorities brought about by their inferior economic position. The general result is that prosperous areas such as Coventry find their grant declining, while less prosperous areas, such as the Tyneside towns, are to receive an increased grant. This is something wholly new in local government, and it knits the interests of local authorities together as never before.

A second influence making for wider areas and unified interests is the now generally recognised necessity to prepare for air raids in the event of an outbreak of war. The effect of this has been strikingly illustrated in connection with the provision of fire brigades. At present a fire brigade is regarded as a purely local service. In fact, apart from London, there is no legal necessity for an authority to provide a fire brigade, the justification being that if a town is willing to risk a disastrous fire, that is not a matter of national concern. But, in future, fire brigades are to be regarded as a very important part of the arrangements with regard to Air Raid Precautions, and Govern-

<sup>2</sup> Sir Josiah Stamp, "The Science of Social Adjustment," p. 10. Sir Josiah cites in a footnote an instance of some remarkable economies effected through consolidation of areas in Sunflower County, U.S.A.

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ment grants towards fire brigades, accompanied by a Government control, have been recommended, and will doubtless materialise shortly. In addition, and equally important, regional organisation of fire brigades is now inevitable, because, while there would be no serious effect on the country if one of our cities were destroyed by an accidental fire, if it were burnt out by incendiary bombs the destruction of the morale of the country would be such that no Government could contemplate calmly.<sup>3</sup> But the effects of the possibilities of aerial attack are not confined to individual services. They strike at the root of the location of industry and population. Sir William Beveridge in a series of articles in *The Times* has pointed this out in a very graphic way.<sup>4</sup> He shows the dangers of the concentration of 9½ million people around London, which he regards as so serious that he advocates immediate measures to stop the further growth of the Capital. The repercussion of such a step, were it taken, would be far-reaching, and local government would be very vitally affected. Sir William cites the instance of the Westminster Hospital site which has recently been sold for £350,000 and upon which offices are to be erected. If the Government were to prohibit this use of the site on the grounds that it would add to transport and residential overcrowding, the purchase price might well fall to £150,000 or less. The ultimate effect would be a reduction in property values and hence of rateable values. Further, it could only be accompanied by a general governmental control of the location of industry; the Government would have to determine where developments are to be allowed. I am not concerned to trace out the effects of such a step, though it would be a fascinating study. I am concerned with the single point, that if the Government does assume the burden of regulating the location of industry then it will give a further impetus to the unification of interests of the various areas of the country. Writers have often pointed out that modern transport has brought with it a shrinking in distances, and has destroyed the significance of the old areas. It may be that the aircraft danger will, in more senses than one, abolish distances almost entirely.

I have said sufficient to show that far-reaching changes in the structure of local government are imminent. Writers and lecturers have been, and are, busy speculating on what form the change will take. In one case—electricity—the policy of the government is known: they propose to implement most of the proposals of the McGowan Committee. In this short lecturette there is only time to

<sup>3</sup> See Report of the Departmental Committee on Fire Brigade Services. Cmd. 5224 of 1936.

<sup>4</sup> *The Times*, 22nd February, 1937. See also Third Report of the Commission for Special Areas. Cmd. 5303 of 1936. Part I and Appendix I.



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explore one aspect of the question. What is to be the attitude of local authorities to the inevitable changes?

It would be dishonest not to admit the tendency of local authorities to resist changes which necessitate a diminution of the power or prestige of any class of local authority. Often the attitude of local authorities is difficult to justify. It would be possible to cite passages from many Commissions and Committees of the last fifty years in support of this contention. I will confine myself to two illustrations. One is the fact that although machinery exists for joint action by local authorities in many spheres, advantage is, broadly speaking, rarely taken of the provisions. It is only necessary to read the evidence presented to the Royal Commission on Local Government to see how startlingly true this is, or to read the reports of such Commissions as that which considered land drainage. This Commission reported: "There can be no cure for the virtual antagonism between neighbouring authorities short of a much larger unit of area."<sup>5</sup> In such spheres as river pollution and sewage disposal, which are crying out for regional treatment, surprisingly little has been done. My other example is that of education. The Hadow Committee, in alluding to the difficulties of a solution of the educational problem within counties, stated that the proposal to transfer the powers of the elementary authorities to the higher education authorities was simple, logical, and capable of effecting a great saving in expenditure. Yet, because it would raise difficult political issues, they were afraid to recommend it.

The truth is that authorities often live in a state of more or less open hostility with one another, especially where some degree of unification is desirable. The recent history of the Special Areas makes interesting reading on this point. In the first report on the Special Areas, considerable space was given to the need for a measure of unification of the Tyneside authorities, which together have a population similar to that of Birmingham. Emphasis was laid on the opposition which such suggestions invariably arouse. An example was cited of an authority who pumped their sewage 90 feet rather than let it run into the Newcastle sewer, where it would go by gravitation, lest the use of the Newcastle sewer would be employed as an argument for inclusion in Newcastle.<sup>6</sup> It would be grossly unfair to infer that this attitude is confined to the Special Areas. It is, in fact, much the same elsewhere, but naturally does not receive the same prominence. For example, in the last Annual Report of the Ministry of Health reference was made to cases where, as a result of the abolition of the Guardians and division of the old unions, an authority

<sup>5</sup> Royal Commission on Land Drainage. Cmd. 2993 of 1927.

<sup>6</sup> Reports of Investigations into the Industrial Conditions in certain Depressed Areas. Cmd. 4728 of 1934, pp. 86 f.



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had inherited an institution too large for the new restricted area. In some of these cases the other authority has been reluctant to enter into an agreement to continue to use the institution, in case the authority owning the institution put forward the joint use as an argument in favour of an extension of its area.<sup>7</sup> I suggest that it would be hard to find a better example of the suspicious attitude of local authorities one towards another.

Then again, there are the agitations for the Government to bear 100 per cent. of this service and 100 per cent. of that service. It is not my place to condemn them. They may be quite justified, but what I do wish to point out is that if the Government is to bear 100 per cent. of the cost of a service then it is only fair to assume that they will control the service in question. To expect the Government to pay the piper and leave the local authority to determine the tune is to me illogical. It should be axiomatic that those who pay must determine the policy. Undoubtedly, this doctrine would be applied by the Government if they took over Public Assistance in the Special Areas. It will be remembered that the late Commissioner for the Special Areas in his final report recommended that the cost of Public Assistance in the Special Areas should be reduced to the average for the country, and that a Government representative *armed with a power of veto* should sit on the Public Assistance Committees. The Commissioner stated his view as follows: "The majority of local authorities do not experience the burden of public assistance to anything like the extent of those in the Special Areas, and it may be presumed that there is little or no possibility of their agreeing voluntarily and rapidly to what seems to me to be the proper method of dealing with the problem as a long-term policy, namely, an equalisation of the cost of public assistance through a common pool and a common standard of administration."<sup>8</sup> If the Commissioner's suggestion is adopted or if the Public Assistance service is taken over by the Government, the result would be a blow to the autonomy of the local authorities concerned. The tendency would be for any action taken to be made general throughout the country, if only because of the difficulty of defining a Special Area.

Local authorities on Tyneside are about to be put through a test. The report of the Royal Commission is expected at any time. It will, beyond all shadow of doubt, contain suggestions for a measure of unification.<sup>9</sup> It will be interesting and illuminating to see what attitude the authorities concerned will take towards the report.

<sup>7</sup> Seventeenth Annual Report of the Ministry of Health. Cmd. 5287 of 1936, p. 25.

<sup>8</sup> Third Report of the Commissioner for the Special Areas (England and Wales). Cmd. 5303 of 1936, p. 70.

<sup>9</sup> Note. Since the address was delivered, the Royal Commission's report has appeared. (Report of Royal Commission on Local Government in the Tyneside Area. Cmd. 5402 of 1937.) The Commission's proposals are even more far-reaching than had been anticipated. Are we about to see an interesting experiment in local government?

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Local authorities have accomplished much during the last century. If anyone is inclined to disparage the achievements of local authorities let him read an account of town life a hundred years ago in such books as J. L. and Barbara Hammond's "The Age of the Chartists: A Study of Discontent." Is it too much to hope that local authorities will approach the inevitable rearrangement of areas and redistribution of duties in a spirit of helpfulness?

It was, I believe, Bentham who wished to return to the earth a hundred years after his death to see the full fruition of the principles which he preached. If I could return to the earth in a hundred years' time, what I should be most curious to see would be how much of our present local government system remained.

# Some Aspects of Municipal Government

By Professor E. F. W. GEY VAN PITTIUS

[Paper read before the Municipal Association of the Transvaal at Boksburg, October, 1937]

THE size, scope and functions of Municipalities have increased to such an extent, that there are many people who claim that we should introduce new methods to meet new problems. Although these new problems are self-evident, the solutions proposed in various quarters show a great variety if not ingenuity. These municipal reforms cover practically the whole range of municipal activity. It is the purpose of this paper to consider briefly some of those aspects.

## I. ELECTION OF COUNCILLORS

Probably the most popular subject for reform at the moment is the constitution of the Municipal Council itself. This is very natural as municipal elections are probably the most spectacular civic events from the point of view of the general public. The ordinary functions of a municipality have become so commonplace and self-evident in our daily lives that they no longer attract any great attention.

### (A) *Arguments against the Ward System*

The Ward System has been subjected to a great deal of criticism. It is claimed, for example, that minorities are not properly represented under this system. This view is based on the fallacy that each person standing for election is so sure of a clear majority that he need not concern himself with the wishes of a minority in his ward. This is obviously untrue in most cases. A candidate is usually quite prepared to modify his views to suit minorities if the latter are prepared to support him at an election. In other words there is more opportunity for compromise and a give-and-take policy under the ward system.

Another objection against wards is that independent persons find it difficult to secure election. It is claimed that a system of proportional representation (P.R.) would remedy this state of affairs. For purposes of P.R. the electoral division has to be enlarged and the individual counts for less—as a matter of fact the individual tends to become

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merely a number on a party or group list. In Belgium, for example, it has tended to eliminate the independence of the individual candidate. Where P.R. has been tried in Switzerland it has created so many groups, that it has weakened all forms of government. The same applies to France, which is notorious for its unstable government.

The arguments against P.R. may be summarized as follows:—

It destroys the sense of direct responsibility on the part of representatives.

Owing to the size of the electoral district voters have very little or no personal knowledge of the candidates.

National politics and national issues tend to be introduced into municipal politics.

Voters lose interest in elections.

By-elections become impossible.

If a member of the Council is responsible to a specific body of voters living within a defined area, he knows what the needs are of these people and he can establish personal contact with them. If this area should embrace the whole of the municipality this personal contact would disappear. The voter cannot be expected to know sufficient about a candidate living in some distant part of his town. Hence this voter will have to vote according to the advice given by his party or some organised group. In this way national issues would easily enter into municipal election and government. At the same time councillors would be so far removed from the ambit of the ordinary voter, that the latter would naturally tend to become apathetic.

It has been argued that the very reason for the introduction of P.R. is to eliminate ward politics and ward mandates; in other words, that councillors should represent the town or city as a whole and that all their actions should be governed by welfare of the town as a whole.

The history of political institutions has shown that general responsibility as a rule degenerates very easily into irresponsibility. A representative who knows that all his actions are carefully scrutinised by a definite body of men and women with whom he has personal contact can speak with greater authority at council meetings, and the councillor who may be inclined to irresponsibility has a very definite check on his actions. There is also an implied assumption in this attitude of "acting in accordance with the needs of the community as a whole" that the needs of a city or town are different from the sum total of needs of all the citizens of that city or town. This is exactly the kind of argument used by dictators, viz., that they work for the welfare of the whole country and not of any particular area or section of the community. Where each councillor represents a ward,

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the council as whole can discuss the needs of each ward and petty politics can be eliminated.

### (B) *The Purpose of Municipal Government*

The main purpose of Municipal Government is to render services to those persons who have congregated in urban areas. From the civic point of view the main difference between municipal government and other forms of local government is that the nature of the services rendered is dominated by the question of *locality*; the determining factors of undertakings connected with water, light, transport, parks, streets and the like are necessarily territorial, depending on the place where those services are required.

For this reason the election of the municipal representatives of the citizens by means of wards is sound. It recognises the fact that locality is the connecting link between citizens. It is true that ward politics may at times play too important a role, but this defect is compensated for by the fact that the organic relationship between citizens is fully recognised.

For this reason, again, a state of affairs such as exists in Cincinnati, where a population of about half a million elects a council of nine members "at large"—that is to say there are no wards—for two years by means of proportional representation cannot be considered sound. There can be no proper contacts between such a large electorate and such a small number of representatives.

In municipal government—as in all other forms of government—a strong, active citizen body and public support is essential for good government. There are no short cuts.

### 2. MUNICIPAL GOVERNMENT LARGELY A MATTER OF ADMINISTRATION

It is evident that the ordinary activities of municipalities are by no means as spectacular as those of the Provincial or National Government. The municipalities provide essential services, but these are as a rule not very interesting to the layman or the ordinary public. Such matters as street-making, sewerage, transport, electric light, public health and the like create very little enthusiasm in the heart of the public—provided that these services are satisfactory. The fact that citizens do not take an active interest in these items would in many cases indicate that they are satisfied.

The class of persons which would be actively interested in such matters would be the professional men who have specialized in those directions and who gain a livelihood by exercising those professions. In large cities where those professions are organised in societies valuable assistance could be obtained from the relevant fraternity for proposed municipal projects.

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For example, if a municipality were to submit its electrification scheme to the Society of Electrical Engineers, valuable and constructive suggestions could be given. That Society is naturally interested in electricity, because its members obtain a living through that medium. Moreover, they are experts and can speak with authority. They would support good measures and expose bad measures. If a proposed municipal scheme has the support of the relevant professional fraternity the public will know that the best measures are about to be taken; should the Society oppose the scheme, the public would probably demand further investigation. Such consultation should be made wherever possible.

### 3. A MUNICIPAL EXECUTIVE

The Committee System, which is in vogue in our municipalities, has also been subjected to much criticism. The various Committees of the municipal council act as a sort of executive in respect of the services entrusted to them. Arguments have been propounded to the effect that this system involves too many meetings, results in too many delays and makes for watertight compartments in municipal undertakings.

It should be pointed out that the various committees act as clearing houses of the Council. If there were no committees of the Council, where all questions can be thoroughly discussed beforehand, the Council meetings would probably have to be more prolonged and numerous in order to allow a full discussion in the Council itself. For this reason the Committee System can be fully justified. A committee also gives the opportunity for members (who are laymen as a rule) to specialize on certain aspects of municipal government.

It would appear, however, that our municipalities have no real Executive to co-ordinate all the activities of their Committees. It is suggested that the chairmen of all the various Committees under the chairmanship of the mayor should be constituted as the Executive of the Municipal Council. This system is in vogue in the South African Universities and has rendered invaluable services. Such an Executive could act as a clearing house of the Council, could effect the necessary uniformity and could thus obviate a great deal of overlapping. The meetings of the Council would in this way be curtailed.

### 4. OFFICE CO-ORDINATION

The same defect which has been noted with regard to the Municipal Council, viz., that it has no proper executive, is equally apparent in the office organisation. If the control of a municipality is compared with our national Civil Service, it will soon be clear that the latter is better co-ordinated than the former. The Municipal Councils have



no Public Service Commission to select candidates and to ensure a proper and free interchange of officials from one department to another, to conduct periodical inspections and to co-ordinate all the activities of municipal administration. In addition there is no Treasury control, which also makes for greater efficiency. I do not maintain that our Civil Service is perfect, but I do hold that our Municipalities have a great deal to learn from it.

The writer has consistently propounded the view that our large Municipalities—from the purely administrative side—lack a central co-ordinating official. In some cases this function is ably carried out by the Town Clerk, but the system is not so organised that the latter naturally and necessarily plays this role and for that reason the Town Clerk is often not looked upon by the Council as its chief administrative official. Put rather crudely, in many respects our Municipalities lack an official whose functions should correspond to those of the Secretary of a State Department or a Provincial Secretary. For this reason there is a real danger that Municipalities may develop watertight compartments.

In effect it may be said that I consider the shortcomings of our Municipal System to be administrative rather than constitutional.

The Chief Co-ordinating Officer of a Municipality (called the City Manager in the United States) should be the Town Clerk. Wherever possible the position of the Town Clerk should be strengthened so that he would become the chief officer of the Council in fact as well as in theory. He should enjoy security of tenure of office, which would make for greater independence; hence it is suggested that the consent of the Administrator should be required before the Council could dismiss the Town Clerk. In order to satisfy the requirements for such a post technical knowledge should not be the deciding factor in the selection of a Town Clerk (see the Hadow Report on this question in Great Britain). Government Departments of various countries (including our own) have had the experience that administrative ability coupled with wide experience should in most cases be the main qualifications. It is true that a Town Clerk who has to fulfil this role should be a superman, that he is born rather than made. In this respect our Universities could come to the assistance of Municipalities. A man could be trained who has the necessary qualifications in Municipal Administration and whatever requirements that may be necessary according to the size of the municipality. I have no doubt that in time suitable men will come into the field, for it would offer a very attractive career for the right person.

Regular conference between Departmental Heads, presided over by the Town Clerk, would also make for closer co-operation and would mitigate against isolation.



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### 5. APPOINTMENTS AND PROMOTIONS

A fallacy which has wide currency in some quarters is that under a democratic system of government the elected representative should select permanent officials. Actually the very opposite should be the case. The people's representatives are as a rule laymen: their chief function is to represent public opinion and to pass measures in conformity with the general wishes of the electorate.

What these representatives lack in technical knowledge must necessarily be implemented by an expert, efficient body of public officials. These officials are experts and not representatives of public opinion. This is an almost universal axiom of good government.

Our national Civil Service has reached a high peak of efficiency and integrity for the very reason that patronage has been systematically eliminated. While investigating municipal government in the United States, Canada and Europe it was continually impressed on me that experience has taught those countries the same lesson. The greatest corruption thrives on political patronage.

Municipalities should have as their aim the appointment of the best available person for every vacancy. The best means of accomplishing this ideal is to obtain an outside body to investigate every post in the municipal service and to prescribe beforehand (irrespective of the present incumbent) as minutely as possible the qualifications required for each post. Should a vacancy occur a candidate could be selected who conforms as nearly as possible to the requirements laid down in advance. This obviates the possibility of the reverse process being followed, viz., that the candidate is first selected (with the possible interplay of patronage) and the vacancy being circumscribed and advertised in terms of the favoured person.

The methods of appointment are equally important. Our national Civil Service has learnt the lesson that the best way of eliminating weaker candidates (if the supply is greater than the demand) and patronage is by means of examinations.

Many municipalities (especially in the United States) have their own system of examinations. Owing to our small population it is doubtful whether such a procedure could be justified in this country.

As in the Civil Service, municipal posts may be divided into two main classes: (i) ordinary clerical posts, and (ii) technical posts.

With regard to clerical posts I should strongly recommend the system in vogue in New Jersey, where no person becomes eligible for a municipal post unless he has passed an examination prescribed by the State. In this country such examinations could be conducted and controlled by the Provincial Authorities.

Even if the above suggestion were adopted there would probably still be a large number of candidates for vacancies. Here I should

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suggest that each municipality appoint an *Appointments Board* (compare the Public Service Commission). This Board should consist of outside persons (a personnel of three would probably suffice) with no affiliations with the municipality concerned. When called upon this Board would go into the records of all candidates for the vacancy and submit three names to the Municipal Council, who would have to appoint one of the three to fill the vacancy.

The same procedure could be followed by the Appointments Board for filling technical posts. In this case no examinations would be necessary as the candidates would already possess the required technical qualifications.

The personnel of the Appointments Board should not cause great difficulty even in the smallest of municipalities. In larger centres there may be a university, a technical college, the civil service, or some large private undertaking from which the desired members may be recruited. In the smaller centres there are the magistrate, the principal of the local school and the like. In all cases it would be wise to add the Town Clerk and the head of the Department concerned in an advisory capacity. In order to ensure complete independence the members of the Board should be appointed for a long period—say five to ten years.

Unless our Municipalities adopt up-to-date and tried methods of appointment and promotion they will never occupy their rightful place in our society.

### 6. NATIONAL MUNICIPAL BUREAU

In South Africa our Municipalities have to contend with at least as many problems as those of the older, more densely populated countries. Owing to the sparseness of the population, we lack the large number of experts who are available in other countries. The wide open spaces of this country, with its great distances, make for isolation. Withal we have not the necessary funds to investigate all problems properly.

There is every reason why we should employ our men and material to the best possible advantage. To make the same experiment over and again in various parts of the same country results in waste of both time and money. What we should do is to pool all our knowledge and experience. Experiments should be so directed as to prevent overlapping, and all Municipalities should benefit from the mutual experience.

There is no better way of effecting the above than by creating a National Municipal Bureau for the whole of the Union. Such bureaux are operating in various European States. The United States

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—with its enormous population and almost untold wealth—has derived such great benefit from a Central Organisation that it is extending the scope of that organisation from year to year. Allow me to quote from the aims of the Public Administration Clearing House, which is the pivotal organisation:—

“ The purpose of the Clearing House is to facilitate the interchange of information, points of view, ideas, and experience among organizations of public officials, organizations of citizens, and other groups which are planning for improvements in the administrative technique of government; to encourage closer co-operation among these groups; and to assist in making available to each group the information and technical resources and experience at the disposal of other organizations, thus preventing overlapping of program and duplication of effort. The Clearing House seeks particularly to bring together operating officials, research agencies, and technical experts, to reduce the gap between theory and practice. To carry out its program the Public Administration Clearing House has gathered comprehensive data relative to the activities of several thousand national, state and local organizations. . . . ”

There is no organisation other than the Municipal Association for establishing a National Municipal Bureau in South Africa. It is true that the institution of such a Bureau would require some funds, but the outlay would be relatively small, the monetary contributions would be little when divided among all municipalities, and the returns would be astounding.

A National Municipal Bureau need not be a large organisation. This central body only requires an efficient and able director with a skeleton office staff. The Bureau should co-ordinate all municipal activities. It should make a survey of all the various experts we have in this country on all the spheres of municipal activity: this panel could be drawn from the municipal and the civil services, universities, large private undertakings, professional people, etc. Should a municipality require an investigation into (let us say) its office personnel, the grading of posts and the like, the Director of the Bureau would put that municipality in touch with the experts, whose names would appear on the books of the Bureau. At the request and expense of the municipality concerned those experts would investigate the problem and submit a report. That report would be circulated to all municipalities so that they may also benefit thereby. All municipalities should submit annually to the Bureau reports on the organisation of their various activities. In that way a mine of information would be collected in the course of time.

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Such questions as transport, marketing, sewerage, waterworks, electricity and the like could all be investigated through the medium of the Bureau. The reports should be made available to the public, who would in time to come look upon them as the last word in efficiency and integrity.

It should be stressed that these experts would be drawn from all walks of life. Normally they would continue with their ordinary work and would not entail any expense to the Bureau. It is only when their services are required that they would be paid for at the rates of an ordinary commission of inquiry.

There are many questions which need investigation and which can be tackled properly only by a National Bureau. I instance the case of licences payable to municipalities; in order to make a strong case for the municipalities the problem has to be investigated thoroughly from all angles—both at home and abroad. Town planning is another case in point. There is no doubt that South Africa can produce these experts to meet the demand. Without a central organising Bureau these and other problems will hang fire for many years to come.

What should be realized is that municipal government and administration is a science. In this century research is the keyword to all progress. But, all research must be properly co-ordinated and directed. In any case a National Municipal Bureau would merit a fair trial: should it be successful its activities could be gradually extended; if not, it could be abolished.

### 7. EXTERNAL RELATIONS

Our Municipalities operate under great difficulty on account of their being almost at the base of the South African pyramid of governments: they are therefore constantly subject to pressure from the top. Consequently the Provincial and Union Governments which are better placed in the governmental pyramid are inclined to impose ever-increasing responsibilities on the town council. I do not maintain that municipalities should not be subject to superior control, but I do hold that the relationship should be properly defined in terms of real needs and that that control should not be unnecessarily irksome.

Only some of these relations can be mentioned here briefly:

#### (A) *Financial Control.*

It seems to be a general experience that finances are the Achilles' heel of local government; yet sound local government without sound local finances is an impossibility. Proper supervision of finances is therefore essential. Strict control of municipal loans is necessary to

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counteract the natural human tendency of avoiding increased taxation by means of long-term loans or debts.

Consequently the audit conducted by the Provincial Authorities is as sound as necessary. It has, however, been a constant surprise to me why all municipal audits are not executed by the Provincial Administration. There does not appear to be any good reason why Germiston, Johannesburg and Pretoria should appoint private auditors. After all, Municipal Councils are governmental institutions and their audit should be conducted on the same lines as any ordinary government undertaking. The fact that a much larger staff of provincial auditors would be necessary seems to be no great obstacle.

### *(B) Mandatory Expenditure*

The tendency to impose additional functions on municipal councils is a natural one: at the same time it is a compliment to the great work done by those institutions.

On the other hand increasing functions necessarily involve increasing expenditure, and this aspect of the matter should be borne in mind whenever municipal councils are required to undertake additional tasks.

Perhaps one of the most obvious examples in respect of mandatory expenditure is connected with public health. Municipal authorities are entrusted with this essential service; they are required to inspect food and buildings in this connection—yet the income derived from such trades has to be shared with the Provincial or Union Government. It seems unfair that municipalities should bear the responsibility in this connection without acquiring all the income derived from these licences. One cannot but feel that these matters have not been placed on a proper basis.

In passing it may be noticed that very much the same unsatisfactory state of affairs exists with regard to the licensing of motor vehicles, the taxation of government property and the like. As long as these financial relations with the Provincial and Central Government are not properly investigated and equitably adjusted the Municipal Councils have to bear unfair financial burdens.

The foregoing points have been raised as examples for further research by the future National Municipal Bureau.

### *(c) Local Government Inspectors*

At the moment there is very little direct, personal contact between the Provincial Administration and Municipal Councils. It is true that there is a provincial audit—but that only covers the financial aspect of local government.

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There should be an administrative official appointed by the Provincial Administration whose duty it should be to visit all municipal areas and to be thoroughly acquainted with all local circumstances. He would be able to advise the Councils (especially on the platteland) and would likewise inform the Provincial Administration as to the real needs of local authorities. As a matter of fact he should be the connecting link between municipal and provincial government authorities. His duties would naturally entail a thorough local investigation of all municipal activities; he would have to see that provincial ordinances and local by-laws are properly observed and should report irregularities to the Administrator.

I should recommend two local Government Inspectors be appointed by the Administrator: one for Johannesburg and the Reef towns, and one for the rest of the Transvaal. According to the success of these officials their activities could be extended or curtailed.

Government is an art which has to be acquired locally, and Municipal Government can only be improved by means of experiments, by trial and error. Generally speaking, I do not think that our Municipal Government System has very much to learn from oversea countries. Some changes are undoubtedly necessary, but these are not fundamental. Whatever changes we may introduce should be dominated by two considerations: knowledge and experience.



# The Administration of Rehousing in Manchester

By J. R. JARMAIN, M.A. (Admin.)

SLUM clearance and rehousing activity in Manchester has been carried on vigorously under the provisions of the Housing Act, 1930, and latterly the 1936 Act, for over three years, during which period extremely efficient machinery of administration has been constructed. In the early stages, however, when the first extensive Clearance Scheme was embarked upon, there was inevitably a period of trial and error, before the many problems which cropped up so bewilderingly were solved.

While therefore the main purpose of this article is to outline and discuss the methods by which dispossessed tenants are rehoused at the present time, brief historical reference here and there to this initial period of experimentation will be found very illuminating from an administrative angle.

The work of rehousing has several aspects, and involves quite a number of municipal departments. The accompanying table shows five departments to be directly interested.

	<i>Department.</i>	<i>Function.</i>
First concerned.	TOWN CLERK'S.	Legal work connected with rehousing; the securing of vacant possession by serving Notices to Quit, etc.
Most actively concerned.	{ HOUSING.	To provide suitable accommodation; investigate family circumstances; let houses, etc.
	{ PUBLIC HEALTH.	Removal and fumigation.

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Affected but not playing vital parts in actual work.	{	CITY TREASURER'S.	Financial responsibilities; deciding rent scales; provision for rent assistance <sup>1</sup> ; removal expenses, etc.
		PUBLIC ASSISTANCE.	(Rehousing may affect level of assistance—movements of population affect relief administration—also there is a direct effect on the rent rebate system (see p. 65).)

In 1934, when these departments were more or less feeling their way tentatively, the need for sympathetic and elastic relationships appears to have been readily appreciated, and, broadly speaking, a fairly effective co-ordination was early established. But the comparative newness of the service undertaken, the lack of precedent, and the occurrence of unforeseen difficulties combined to bring to light faults or omissions in the scheme of administration, and emphasized with renewed force the necessity of close co-operation. Here are two examples.

One of the first difficulties to be encountered concerned the service of Notices to Quit, and involved the Town Clerk's, Housing, and Treasurer's Departments. In October, 1933, the Hulme Clearance Orders 1, 2, and 3, were confirmed, and in March, 1934, the first batch of 36 Notices were served on the occupiers of scheduled houses. These notices were nominally of four weeks' duration, after which period new accommodation was to be provided. The original intention of the Town Clerk was to serve these notices at a rate of 40 to 50 per week, but for the first few months an average rate of 32 per week only proved practicable. Even so, in July, 1934, it was evident that this reduced quota was too high for efficient working. The provision of accommodation by the Housing Department, mainly through the re-letting of vacated houses upon existing estates, was failing to cope with the increasingly large number of families whose notices had expired. In July these had increased to 103.

Moreover, there appears to have been some early doubt as to when the Government contribution of £2 5s. per person displaced under the Housing Act, 1930, became payable. Subsequently, the Minister of Health ruled that grants did not, in fact, become payable, until accommodation was provided for an equivalent number of persons in new houses erected.

<sup>1</sup> It is, however, the Housing Department which determines the amount of individual rent rebate.

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In view of this decision the existing position was rather embarrassing. At the commencement of July, 1934, 1,065 persons had been rehoused principally, as stated above, in houses built under other post-war schemes, 130 houses only being completed under the Housing Act, 1930. According to the standard laid down in Part V, section 37, subsection (ii), of this latter Act, these houses entitled the Manchester Corporation to 648 grants. As the number should have been in the region of 1,065, there was actually a deficiency of 417. In spite of a reduction to 362 in this deficiency, the upshot of the matter was a drastic limitation in the number of notices served to 20 per week, and more important still a tightening of the links between the three departments implicated.

A second problem in co-operation arose out of the financial relationships between the Housing Department and the Public Assistance Committee. It is a distressing consequence of poverty in Manchester that a considerable proportion of displaced families are in receipt of grants of Public Assistance, which in most cases include a rent allowance roughly equivalent to the rent paid in the Clearance Area. As a direct consequence of rehousing, almost without exception, the rent payable is increased. Quite logically perhaps, the Public Assistance Committee submitted the view that any increase in rent assistance required in individual cases should be provided for by the Housing Department's Rent Rebate Scheme. This indeed has been agreed upon between the two departments.

The arrangement, however, is not free from disadvantages. In practice the two departments use different Subsistence Scales to determine minimum required income. Where a grant of Public Assistance is received, in a given case, and an increased rent is to be paid, a rebate would be granted equivalent to the rent difference, even if the Rent Rebate Scale shows no need for this. This would occur where the Public Assistance grant, including the former rent allowance, is greater than the minimum requirements, including the new rent, as shown by the Rent Rebate Scale. Under the above agreement, therefore, a rebate would be granted, which by virtue of the Rent Rebate Scale would not be justified. Admittedly the relations between the two departments in this sphere of relief apportionment are complicated, and the advisability of modification cannot here be discussed. But at least this experience does serve to illustrate the need for the closest of working arrangements.

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Rehousing now takes place in five clearly defined stages: (a) Service of Notice to Quit; (b) Investigation prior to removal; (c) Allocation of house; (d) Removal; and (e) Disinfestation.

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Sufficient has already been written upon the service of notices above, so that we may now pass on to the second stage.

### *Investigation*

When notices to quit are served they are despatched, together with an application form for a Corporation house and a full list of types of houses available for allocation. When subsequently returned to the Housing Department these completed forms are scrutinised by officials in the Rehousing Section of the Department. In due course they are passed out to the Housing Investigators, trained in the work of house inspection, and well fitted by experience to obtain the required information in a tactful manner.

The primary duty in making these investigations is to verify the particulars of family circumstances as set forth on the application form: sex distribution, ages, employment, rent paid, and to help the displaced family to make a wise choice in selecting the new house. On the whole little difficulty is met with in obtaining information, although occasionally an odd family proves over-sensitive in respect to some of the more personal questions. Where particulars of income are doubtful, verification is sought from reliable authorities:—employer, Public Assistance Committee, Unemployment Assistance Board, etc. The importance of this part of the investigation cannot be over-emphasised, as an accurate record of the desires and requirements of these people, together with a knowledge of their economic position greatly facilitates the task of those who have to provide suitable homes at short notice.

The second part of the investigation is no less important. Bad housing conditions are taken for granted; the part played in them by the tenant is vitally pertinent. Sole reliance must be placed upon the investigator's sharpness of vision, and his ability to interpret in the light of his knowledge and experience the conditions he witnesses. In other words he must attempt to distinguish the precise relation of cause and effect. The cleanliness and tidiness of rooms, bedding, furniture and curtains is carefully observed together with the degree of infestation by vermin, and the extent to which the tenant seems responsible. Naturally it is difficult at times to pass accurate judgment, but experience has proved that, in estimating how far tenants combat or aggravate evil housing conditions and their probable reaction to rehousing, the results of these investigations are reliable to the highest degree.

### *Letting of the Houses*

The formal arrangements for the letting of houses to rehoused tenants differ only in detail from those made in the case of ordinary

## *Administration of Rehousing in Manchester*

applicants for houses. In an effort to provide a wide variety of choice, all municipal houses, whether erected specifically for rehousing under the Housing Acts, 1930-36, or for general use under any previous Housing Act, are placed at the disposal of the Rehousing Section. Offers of accommodation are made to those immediately awaiting, and where an initial offer meets with acceptance, a key is loaned to the prospective tenant, so that he might have an opportunity of confirming his acceptance by inspection. Not always, however, is satisfaction expressed at a first offer. In the case of the Hulme Clearance Area, for example, due partly to the unregulated and incalculable supply of vacated houses, and partly to the uncertainty on the part of applicants as to which houses they really required, it was necessary to make two, three and sometimes as many as seven offers, with the result that 676 houses were considered in rehousing 410 families. Naturally officials have hardly found their task facilitated by this indecision. Districts and rentals specified on the form of application in some cases gave little guidance to real requirements, in many instances the largest house at the lowest rental being the criterion of choice, on account of the weakness of applicants' effective demand. On the other hand, upon rare occasions, lack of imagination and real insight into individual needs seems to have characterised several unsuitable offers.

When, in due course, a house has been decided upon by a dispossessed tenant, he is requested to call upon a certain day for the keys to be handed over. A final check is then taken of the family income and its source, wages or other means. The first week's rent is paid, and whenever possible a deposit of ten shillings. This sum is returnable upon terminating the tenancy, provided there is nothing outstanding for arrears or structural damage. In cases where poor circumstances render payment of the deposit a real hardship, this may be deferred to some future date, or else paid by weekly or monthly instalments. This practice, naturally enough, very frequently results in the deposit remaining unpaid indefinitely.

The new tenant is next acquainted with the conditions governing his tenancy, with which he gives a written undertaking to comply. Great stress is laid on the regular weekly payment of rent; on the general prohibition on the erection of internal and external structures without the sanction of the Housing Director; on the necessity of maintaining a neat and tidy garden, and on other related matters. A certificate of letting is issued which entitles the tenant to possession of the house.

When the house is let, the internal workings with regard to lighting and heating are explained in outline, but not always effectively, as subsequent difficulties of tenants have indicated. For administrative

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convenience the tenants are supplied at the Housing Department with an application form for a supply of electricity. This they are required to sign and deliver to the Electricity Department. A similar procedure is necessary to obtain a gas supply, where, as in most cases, houses have gas fittings.

The letting of houses does entail much mental effort, not untinged with bewilderment, on the part of some of the tenants, many of whom must go away with but an imperfect grasp of their new responsibilities. Such a great deal is expounded in so short a time by officials, who perhaps by reason of their familiarity, tend unconsciously to overrate the capacity of the public to absorb the many points enumerated. Although important matters such as the Conditions of Tenancy are presented in printed form, a great deal of the above is often forgotten almost immediately. It is therefore necessary for the rent collectors, afterwards to make quite sure that the many strange features of the new houses are comprehended.

### *Removal and Disinfestation<sup>2</sup>*

The removal of household equipment from condemned houses and the attendant disinfestation<sup>3</sup> of this and personal possessions for the eradication and prevention of vermin (bed-bugs) is the function of the Public Health Department and a responsibility of the Medical Officer of Health. The actual work of removal and fumigation, however, is carried out by two private contractors working under the supervision of Public Health Officials. All the costs incurred are borne by the Housing Revenue Account, no charge being made to the tenants, although in the early stages some contribution was solicited and made.

When a family has reached this stage in the rehousing process, a Public Health Housing Inspector who works in close collaboration with the Housing officials interviews the husband or wife, with a view to making mutually convenient arrangements for an early removal. At the same time he or she is given printed instructions directing the family how to get to Monsall Isolation Hospital, where personal clothing is subjected to fumigatory treatment. In such cases travelling expenses to and from Monsall are allowed, so that no undue financial hardship may be incurred.

The furniture and other goods are fumigated at Monsall Ambulance Station in the following manner. Upon the pre-arranged day, soon after 7 a.m. the furniture van arrives at the house to be loaded up with the furniture and other movables<sup>4</sup> under the supervision of the Housing Inspector. The van then proceeds to Monsall for the

<sup>2</sup> It is convenient to deal with these two functions together.

<sup>3</sup> A process now undergone by all rehoused tenants.

<sup>4</sup> It is usual for one vanload to comprise two lots of furniture.



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fumigation. Here bedding, soft cushions and other stuffed articles are extracted, and the van sealed up for the remaining goods to be subjected to three hours or so concentrated application of hydro-cyanic acid gas by the fumigators. Meanwhile the bedding, including flock or feather beds, straw mattresses, pillows, bolsters and cushions, is disinfested by a steam process. This is considered preferable to the van fumigation because of the retentive quality of such soft dense stuffing, which might have disastrous after-effects, as the gas is toxic to a high degree. However, in some instances, *e.g.*, in the case of wire mattresses where it is equally impracticable to use steam, the gas is used, the articles afterwards being placed in a hot-air chamber to drive out any gas still absorbed.

When the van is thrown open, the gas is allowed to disperse and the bedding, etc., replaced, before the van proceeds to the new house. When eventually the furniture is unloaded, the fumigator signs a Certificate of Freedom from vermin, which he hands to the Housing Inspector. Tenants are strongly advised to keep at least one window in every room open during the night immediately following disinfestation, in order to clear away the last traces of gas. To this end the Inspector must see that these windows are open when the furniture is moved in.

Like many newly devised processes, which at their inception are looked upon with suspicion the disinfestation scheme has since been acknowledged as a valuable and progressive policy. The undoubted relief which it must bring to those who for years have been pestered by bed-bugs has triumphed over the initial sense of opposition, so that fumigation is now an accepted fact. In the early months, however, the process was the cause of much strained feeling, the scheme being criticised on various grounds. Unfortunately it was made known in a rather injudicious manner. The direct cause of resentment was, in the case of the Hulme Clearance Area, a stereotyped letter informing tenants that, in order to prevent transference of vermin, their furniture, clothing, etc., must be fumigated, whilst baths should be taken. The suddenness and drastic nature of this intimation offended the susceptibilities of those to whom it was delivered, for an obvious reason. To the official mind the proposal meant nothing more than a complete safeguard against vermin, as in effect it was. But it was thrust without warning upon a people extremely, if needlessly, sensitive about their position, and who resented this further stigma or degradation as they imagined it to be. There was violent and hostile criticism; various persons and organisations took up the protest. Certain sections of the press waxed loud and declamatory over this fresh incursion of municipal activity into private life.

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Altogether, feeling ran high for a time, and this tended to intensify the difficulties of harassed officials. In fact the whole business, now sunk in oblivion, is an object lesson in administrative tact.

A little judicious forethought and, in particular, the practical experience of responsible officers should have warned them of the consequences. It was mainly a matter for personal contact. A local authority should, wherever possible, endeavour to foster a spirit of good feeling and co-operation between itself and the public, and to show itself genuinely and humanly interested in social problems. Now, both the housing investigators, and the public health inspectors had frequent contact with these people and it seems that the broaching of this matter could have been left more happily to them. Undoubtedly there would have been much spontaneous protest, but this could have been met by wise and considered argument.

In the past there have also been complaints on other grounds, largely on points of detail. In one instance it has been alleged that after the steam process bedding has been delivered in a damp condition, but it appears on inquiry that the process precludes such a mishap. Other examples are the claims for compensation which have been put forward for articles stated to be missing or damaged in transit. These claims have been referred to the contractors, who take responsibility, and although in some cases considered excessive, have generally been met, to "save trouble."

This concludes the process of rehousing step by step, but there remain a few incidental questions which merit a passing word or two.

### *"Filtering-up"*

Naturally, as many dispossessed families desire to remain either in the central area of the town or close to the old locality, no suitable corporation house can be found, as the nearest of these lie in the outer residential districts.<sup>5</sup> Faced with this difficulty, a family may acquire a private house either through its own efforts or with the assistance of the Housing Department. If the latter course be adopted, a vacancy in a private house is created by transferring an applicant for a corporation house, living in a desired locality, into a vacant corporation house. Of course the co-operation of private property owners and estate agents is necessary to give full effect to this scheme, and indeed many have assisted willingly. In its limited field of operation, this scheme is a good example, artificially stimulated of course, of the "filtering-up" process, upon which post-war housing reformers placed so much reliance, but which has failed to work in practice.

<sup>5</sup> There are now blocks of flats near to the central areas.

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### *Persons already Registered for Houses*

At the end of March, 1934, out of 1,257 families in the Hulme Clearance Area, 304 were already on the Housing register as applicants. Although this was encouraging as an implied desire on the part of a section of the inhabitants to improve their position, the question very naturally arose, as to how these applications were to be treated. Were they, if their turn for a house came in the natural course of events, to be allotted one, before they received Notices to Quit under the Clearance Scheme, or must they wait until such time as these notices expired? Until the confirmation of the Clearance Order, such applicants were, in fact, treated in the ordinary way. But, after the confirmation the ruling was modified mainly for the following reason: if the Housing Committee let houses to registered applicants prior to the date of their Notice to Quit, certain houses would be vacated. The Corporation, therefore, would be faced with the difficulty of having to deal with the families occupying the houses at the date of the Notices to Quit, and who, the implication is, might or might not have thus used the Clearance Scheme as a short cut to a corporation house, to which, in many cases, they would not have been entitled.

### *Voluntary Advisory Committees*

Before closing this brief commentary on Manchester's rehousing activities, a word or two should be devoted to the Advisory Committee which was set up to assist families in the Hulme Clearance Areas. It was felt at the commencement of rehousing, that there should be some non-official body, to which people could appeal for advice, when undecided as to what steps to take with regard to the choice of their new home, or when aggrieved by some action of the Corporation. The resultant Hulme Tenants' Advisory Committee as constituted consisted of interested City Councillors in a non-official capacity and of various social workers, and held meetings once or twice per week. Matters concerning the welfare of families were considered, and queries put by them answered. Individually, the members of the Committee discussed problems of administration with the Housing officials, with whom they were in close contact.

Such a Committee appears on evidence to be an invaluable co-ordinating link between tenants and the local authority. It may be particularly useful in dealing with that type of individual, to whom officials are an anathema. There is admittedly a danger of such an organisation becoming too assertive through excess of zeal, thus frustrating its inherent acceleratory purpose. But, in Manchester, at any rate, this initial experiment has proved a success; the precedent, however, has not been followed with regard to other Clearance Areas.

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## Conclusion

Many points have been omitted of necessity from this article. For example many pages could be devoted to an examination of the complex socio-economic problem of dispossessed shopkeepers, and a whole paper to a discussion of the Manchester Rent Rebate Scheme, both important aspects of rehousing activity, but which must perforce be omitted. Again other points merit fuller treatment than they have received here, but on the whole, this survey gives a fairly comprehensive outline of the more salient features of rehousing administration in Manchester.

### BRIEF SUMMARY OF PROGRESS TO SEPTEMBER, 1937

	<i>Houses</i>	<i>Families</i>	<i>Persons</i>
To be dealt with under 5-year plan <sup>2</sup> ... ..	15,000 <sup>1</sup>	18,000 <sup>1</sup>	66,000 <sup>1</sup>
To be dealt with in clearance areas already declared ...	10,821	12,136	44,110
Dealt with to end of September, 1937 ... ..	5,000 <sup>1</sup>	5,564	20,464

<sup>1</sup> Approximations only.

<sup>2</sup> Commenced in 1933; probably will take at least 10 years to complete.

# Municipal Wage Regulation—How the Joint Industrial Council System Works

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*[A Paper delivered at a Meeting of the Institute of Public Administration, Birmingham and West Midlands Regional Group]*

MUNICIPAL work falls quite naturally into two main channels—trading and non-trading—but no matter where a man may be employed or what duties he may perform, he is, as in other spheres, a “labourer worthy of his hire,” and is entitled to fair treatment. How far local government has accepted this axiom will be gleaned from what follows. The principle, however, is firmly established in the minds of the more enlightened local legislators that the modern municipality should be a “model employer,” notwithstanding the views of “Pro bono publico” and other flippant writers to the newspapers who are for ever declaiming that Corporation workmen—and staff, for that matter—are all over-paid and under-worked, and the local authorities extravagant and incompetent.

What are the facts? The local authorities, in the main, have the interests of their workers at heart, but they equally recognise that they are trustees for the ratepayers, and must hold the scales evenly. A contented body of workmen is an asset to any undertaking, and the aldermen and councillors—as often as not large employers themselves—are well aware of it. On the other hand, they are also themselves ratepayers, and will see to it that the remuneration paid for work done does not rise unduly above that of the general level of the district.

No conscious effort was made before the Great War to tackle this question. Authorities were left to themselves to fix their own wage rates and employment conditions, but the quickening growth of trade unionism showed the need for co-operation even among the municipi-

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palities, and there were signs before the War of moves in this direction. There was, for instance, a Municipal Labour Committee in existence in Birmingham thirty years ago with the express object of co-ordinating rates of pay and working conditions in the thirty or so departments of the City Council. In the Lancashire area there was, about the same time, a Joint Committee, centred in Manchester, which operated much in the same way as the Joint Industrial Council system we know of to-day.

But it was not until the dawn of the Joint Industrial Council era, about the year 1918, that a real step forward was made, which meant abolishing the "catch-as-catch-can" methods of the past, and instituting an ordered plan.

### *Conciliation in Retrospect*

Before attempting to form a judgment as to the merits of the Joint Industrial Council system (or, to give it its popular title, the "Whitley Council" system) in its application to the local government services of England and Wales, it is worth while considering the forces which were responsible for its introduction.

In 1916 the Cabinet Committee on Reconstruction appointed a Special Committee entitled the "Committee on Relations between Employers and Employed" (1) to make and consider suggestions for securing a permanent improvement in the relations between employers and workmen, and (2) to recommend means for securing that industrial conditions affecting the relations between employers and workmen should be systematically reviewed by those concerned, with a view to improving conditions in the future.

The then Speaker of the House of Commons (The Rt. Hon. J. H. Whitley, M.P.) was the Chairman of this Committee, and it was due to this fact that it became generally known as the "Whitley Committee." The Committee was composed of representative employers and trade union leaders, with a leavening of independent persons.

### *The Industrial Era and After*

The problem set before the Committee was not a new one; it was one which had exercised the minds of responsible statesmen for many decades. It became a real problem with the opening of the Industrial Era, which brought with it difficult questions affecting the relations of employers and their workmen, and these remained, but in an intensified form, as industry developed.

Many people thought that the solution lay in conciliation and the provision of means of arbitration, but the manner in which this could best be accomplished was beset with difficulties.



## *Municipal Wage Regulation*

Looking briefly at the growth and development of this principle of conciliation in industrial questions, we find that in the middle of the eighteenth century the Justice of Peace was given jurisdiction over disputes arising between master and man "during the currency of a hiring." The next development came in 1800, when an Act of Parliament was passed for dealing with wage disputes between masters and men in the cotton industry. This was extended later to all other trades. Under it, each party failing agreement was given power to demand arbitration, and, in the event of the arbitrators disagreeing, the final appeal lay with the Justice of the Peace.

Enforced arbitration, however, proved in practice to be distasteful to both employers and workpeople, and the legislation embodying this principle very soon became a dead letter.

Voluntary machinery for composing industrial differences met with a much better reception, and the reason is doubtless traceable to the inherent desire of disputants to solve their own difficulties in their own way through machinery of their own making; and a marked reluctance to accept decisions of outside arbitrators.

Independent steps, therefore, began to be taken by the more highly-organised industries for setting up voluntary conciliatory committees within the industry itself, with provision for arbitration by consent. Among the first to take this step was the pottery industry, which had industrial arbitration established as early as 1836. The rule of their trade unions required every case of difference to be referred to arbitration, and the effectiveness of this in practice is shown by the fact that 90 per cent. of the cases were satisfactorily disposed of.

Another notable industry where the principle of voluntary arbitration has conspicuously succeeded is the iron and steel industry. The secret of its success is attributable to the long-standing rule requiring all disputes to be referred to a neutral committee representing the employers and employees. Strikes and lock-outs in this industry have, as a consequence, become unknown during the past forty years.

The principle of voluntary arbitration was placed upon a firm footing by the passing of the Conciliation Act of 1896. This Act gave the Board of Trade the duty of promoting the peaceful settlement of industrial disputes. Under it the Board were empowered to inquire into the cause of, and circumstances surrounding, any existing or apprehended dispute, and, on the application of one of the parties, to appoint an independent conciliator, or, on request of both parties, an arbitrator.

This important Act assisted considerably in bringing about an

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atmosphere conducive to industrial concord, but there were still labour differences arising which defied all the efforts of the conciliators, and serious industrial troubles broke out from time to time.

### *The Great War and Labour Problems*

With the coming of the Great War, and the vital need, in the national interest, for nothing to occur to hamper the output of munitions, consultations took place between the Government and certain important employers and leaders of organised labour to devise methods to minimise, and, if possible, prevent, industrial disturbances. Good results followed from these conferences, and it may be said that from them emerged the spirit responsible for the birth of the "Whitley" idea. It was felt that what was possible as a temporary necessity during a time of national crisis ought not to be incapable of being turned to good account in the cause of peace when it arrived, and that permanent measures should be taken to place industrial conditions on a better footing.

### *The Birth of Whitleyism*

Thus the time was favourable, and the ground well prepared, when in 1916 the Government set up the "Whitley" Committee to consider the whole subject, under the terms of reference already mentioned.

The essence of the Whitley principle is that it is a voluntary plan acting under no sort of compulsion either from the Government or from any other source, and that each industry shall manage its own affairs, under its own constitution, and be responsible for evolving and bringing into practical shape measures for improving the relations between those who are interested in the industry's success, either as employers or employees.

This laudable object presupposes co-operation between the parties, and this is secured by equal representation upon the Joint Councils.

The principle of voluntary conciliation was thus advanced enormously by the Whitley scheme, and a framework was established for bringing together the varying interests for their mutual benefit and the ultimate advantage of the community.

Local Government authorities were no more immune than were privately-owned undertakings from the disturbing influence of labour disputes, and, on the introduction of the Whitley Report, steps were at once taken to form Joint Industrial Councils for the municipal services.

### *The Principle of "Recognition" of Trade Unions*

To judge of the effect of the adoption of the Whitley Scheme in this sphere, it is necessary to recall what the conditions were before

## *Municipal Wage Regulation*

its introduction. Each authority made its own decisions with regard to rates of pay and conditions of service of its employees. Uniformity was practically non-existent, with the inevitable consequence that discontent was rife. It not infrequently happened, for instance, that men under one municipality received higher pay for exactly the same duties as those performed by men under an adjoining municipality. Living near one another, men naturally compared notes, and the lower-paid men soon became dissatisfied. In like manner, overtime rates, holiday concessions, special grants for seasonal work, and other factors affecting earnings were devoid of any system of regulation from the point of view of equity. It is true that "trade union rates" operated in respect of certain special trades, but these covered only a small minority of the municipal employees, and the great bulk of the men, it is true to say, were left to wonder why the pay and conditions of their work should be subject to such wide differences. It became the practice, moreover, for the trade unions to play off one authority's rate against another's, and any concession they succeeded in obtaining in one town was the driving force for similar claims elsewhere, irrespective of whether conditions between the authorities were alike or not.

The difficulty of obtaining "recognition" of the interests concerned also formed a serious ground of complaint by trade unions against certain local authorities, and hurried decisions, often made without sufficient knowledge of the facts, were the cause of much injustice, either to the workmen or the ratepayers, as the case might be.

This state of things was bad for the local authorities and the employees. Even when consultation with the workmen or their leaders was conceded, the municipal authority was at a disadvantage, because it lacked the means of ready access to rates of pay and labour conditions prevailing for similar work in other trades and towns. It often happened also that too much time was taken up by the Surveyor or other heads of departments in discussing these matters locally, to the detriment of matters of more immediate importance to the undertaking.

So much was the need felt for a proper system that the great municipalities and their administrative officers were only too anxious to give a trial to the recommendations of the Whitley Report as soon as the necessary steps could be taken after its publication.

### *Municipal Joint Industrial Councils Formed*

Early in the year 1918 the Association of Municipal Corporations led the movement by proposing the creation of separate Joint Indus-

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trial Councils for the four great trading departments of local authorities, viz., the electricity, gas, tramways and water undertakings, and for a single Council to embrace the multifarious "non-trading services," the latter comprising the departments concerned with public health, roads, housing, baths, parks, libraries, and all the other miscellaneous services found in a modern municipality. Within a period of twelve months National Joint Industrial Councils for these five units of industry were established.

The essential features of the Joint Councils for outside industry were embodied in the constitutions for the local authority councils. These included (1) a triple organisation, viz., a National Council, District Councils, and Works Committees, inter-related to each other, for the five sections of municipal activity; (2) equal representation of the employers and workpeople through their respective organisations, and including in the case of an industry carried on both by local authorities and companies, representatives of both classes of employers; and (3) regular meetings at intervals of not less than once a quarter.

The country was mapped out into areas, and separate councils for each area were appointed, the completion of the Whitley plan for the formation of Works Committees being left over for future consideration when the need for such became more apparent.

Local authorities throughout the country appointed representatives to the initial meetings for the formation of the area (or provincial) councils, the trade unions did their share, and with the assistance and guidance of the Ministry of Labour, the Joint Industrial Councils were quickly established.

The basic principle of these Councils being equality of representation of the parties concerned, the constitutions provided for the appointment of an even number to compose each side, a usual number being 24 representatives of local authorities and 24 of the trade union delegates. In practice the trade unions, although retaining their right to appoint a full complement, do not invariably take up all the seats allotted to them. This, however, implies no infringement of the principle of equality, as no proposition can be carried unless it has the approval of a clear majority of the representatives present on *each* side of the Council. To facilitate business, an Executive (or similar) Committee is also appointed, and the same principle applies there.

A further matter of paramount importance is that the Joint Councils must be equipped with skilled knowledge. On the one hand, the trade union leaders forming one-half of each Industrial Council, are obviously, as paid agents of the employees, experts at this work;

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on the other hand, it is just as essential that the employers' side should contain men having special knowledge, and fully capable of demonstrating the "employer interest."

Most of the Joint Councils in the public services recognised this necessity at the outset. Heads of the large municipal undertakings—city surveyors, engineers, secretaries, and others—were appointed to seats on the Councils by reason of their special knowledge of the work in hand. They were virtually in the position of direct employers, they knew at first hand the problems of their departments and could offer an expert's experience, an essential element in negotiations affecting employment and wage matters. It is, perhaps significant to note that the Association of Municipal Corporations was, from the beginning, impressed with the advantage of the inclusion of the official element, and they appointed a prominent City Engineer—Mr. W. J. Hadfield, C.B.E., of Sheffield—as one of their first representatives on the Non-trading Services Joint Industrial Council. It is additionally noteworthy that his fellow members—aldermen and councillors—soon afterwards, with complete unanimity, chose him to be their chairman and leader.

The direct representatives of the ratepayers form, naturally and properly, the major element of the employers' panel, but the elected representatives would be the first to admit that no small part of the success which has attended the Municipal Joint Councils is traceable to the officials, whose actions are tempered by the responsibility which comes from equal status in the Council's deliberations.

The Whitley plan has now been in operation among the local authorities of England and Wales for nearly twenty years, and it is possible to form a reasonable estimate of its success in constructive work, and in coping with the difficulties it has met with. This can best be done by examining each of the five main Joint Industrial Councils separately, as each has its own organisation and works independently.

Taking the Councils in order:

### *Electricity*

Before Whitley Councils were established in this industry there existed an Employers' Joint Standing Committee consisting of nominees of the municipal and company-owned undertakings, which met regularly in London and did much good work in promoting co-ordination of conditions of employment, but it was weakened by the fact that it represented only the employer interest. This defect was remedied by the formation of a Joint Industrial Council in May, 1919. District Joint Councils followed, each consisting of twelve

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employers and twelve trade union representatives. Their first important work was to make schedules of conditions of work and rates of pay in the several districts. Copies were issued to all undertakings, so that each man could know the conditions under which he was working. It was agreed on all sides that these conditions, amended in detail from time to time, brought about a general improvement in the industry.

It is fair to record that the employers as a whole wished to make their men contented, and did not insist upon basing wages entirely on the rates (usually lower) paid in the principal industries in the district, though they have held throughout, and wisely, that these rates could not be left out of account if wages were not to soar high above the general level.

In 1921, to meet the fluctuating nature of the cost of living, the principle of a sliding scale was adopted, based on the Board of Trade index figures, whereby wages moved up and down in relation thereto. This, in conjunction with a zoning system related to the different districts, continued in operation until recent years, when stabilisation became practicable.

Mr. Alderman W. Walker, M.I.E.E., in addressing the Glasgow Conference of the Incorporated Municipal Electrical Association in June, 1926, pointed out that the test of the Whitley Council's value to the industry had been "the absence of critical disputes and stoppages, and a general improvement between the management and the men."

### *Gas*

The Joint Industrial Council for the Gas Industry met for the first time in April, 1919. The Federation of Gas Employers is responsible for the appointment of the employers' side. The country is divided into ten districts. The National Joint Council has the right to veto any decision of the District Councils and strictly retains to itself the consideration of wages, hours and working conditions in the industry as a whole. The actual rate paid to the workmen, however, is settled by the District Council, which places every undertaking into a particular grade and fixes a minimum varying in accordance with the grade.

The National Council has settled, without friction, agreements for wages, holidays, and other conditions of service of gasworkers. Disputes are brought before the appropriate District Council, and this method provides a quick means of settling local difficulties.

The National Council governs over 500 gas undertakings which are members of the Federation of Gas Employers.



## *Municipal Wage Regulation*

In this Industrial Council, Works Committees have been formed in a considerable number of the large company undertakings and in certain municipalities. They consist of representatives of the workmen and management, and grievances of minor character relating to the particular undertaking are brought up for settlement.

### *Tramways*

In this industry at the onset some difficulty was experienced in including both municipal and company-owned undertakings, but this was eventually overcome. The result is that practically the whole of the local authorities and the larger companies have become associated with the movement. In this industry District Councils and Works Committees are in operation, and wages were, until recently, regulated on a sliding-scale dependent on the movement in the cost of living. The objects of the Whitley system have met with considerable success as applied to municipal transport, and labour difficulties are now of very rare occurrence. Recently negotiations have taken place for including motor-bus employees within the Council's jurisdiction.

### *Water*

A large measure of success has been achieved by the Waterworks Joint Industrial Council. The representation of the employers' side is divided between the British Waterworks Association and the Provincial Water Companies' Association.

An agreement for standardising and reducing the working hours was reached in 1919, when a 47-hour week for day workers and a 48-hour week for shift workers was established. This course followed the concerted movement in industry generally for a shortening of the working week. Marked progress has been made in settling overtime conditions and rates of pay. The action taken has resulted in a lessened amount of overtime being worked, to the advantage of the employer as well as the workmen. Sunday conditions of labour and holidays have also been regulated.

### *Non-trading Services*

The numerous departments of municipal activity falling within this general category are of an important character, touching closely the health of the community and the amenities of life.

The National Joint Industrial Council for the non-trading services was formed in 1919.

Its work has been singularly successful, having regard to the extraordinary number and diversity of the occupations necessary for the effective working of the departments falling within its ambit. As

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with the other joint councils, attention has been primarily directed to regulating wages and working conditions, and to classifying the various local authorities and occupations.

The establishment of a fair-wage rate by the districts proved a difficult problem, owing to the large variety of existing rates and hours. It was found necessary to arrange minimum rates only, with discretion to individual authorities to continue to pay at existing rates to the old employees, newcomers being started on the schedule minimum rates. Owing to the unstable condition of cost of living it was also necessary to provide a sliding scale. The minimum wage was the pre-war average rate paid in the district to the municipal labourer, plus an agreed percentage to secure a standard of living more in conformity with modern ideas, and, in addition, an amount approximately equivalent to the enhanced cost of living; with provision for periodical adjustment.

This arrangement, coupled with a "zoning" scheme, under which the local authorities were grouped into appropriate categories based on population, and provision for the consideration of special conditions in individual cases, secured practically unanimous approval, and has undoubtedly had the effect of greatly improving and consolidating conditions, and almost eliminating labour disputes in these departments of local government.

A fundamental difference in the character of the Non-trading Services Whitley Council as compared with that of the other Municipal Joint Councils, is that the former is concerned with a much larger variety of local authority types. Not only the counties and the county boroughs, but the smaller boroughs and urban and rural districts come within its jurisdiction. Thus its constitution required to be framed to secure equitable treatment to all sorts of local authorities. It has stood the test of time. The movement has always found a sufficiency of the right type of public men and responsible leaders from the trade unions to respond to the call of its work. Continuity, an essential element, is maintained by securing, as far as possible, the same representatives to sit from year to year, and also by the joint secretaries, among whom there is very little change in personnel. Moreover, little change occurs among the trade union representatives.

### *The Benefits Derived*

As to the Municipal Whitley Councils generally, in the course of their eighteen years' life a large volume of experience and specialised knowledge has been accumulated and made available through the Councils and their administrative officers, information of a kind which has never existed previously, but which is invaluable to the

## *Municipal Wage Regulation*

local authorities throughout the country. The organisation set up by the various Councils has, in short, provided a clearing-house for the use of all concerned with the equitable regulation of conditions in the local government service.

### *Extent of the Movement*

Since its institution the movement has grown steadily, more especially in the industrial centres. The number of workpeople whose wages and service conditions are regulated by the Municipal Joint Industrial Councils is now approximately 387,000, allocated as under:—

Electricity Supply Industry ... ..	40,000
Gas Industry ... ..	100,000
Transport Industry ... ..	75,000
Waterworks Industry ... ..	12,000
Non-trading Services ... ..	160,000
	<hr/>
	387,000

This total, large as it is, does not include all the municipal manual workers in the country. Some of the authorities have not yet joined the movement, and therefore their employees are not included in the figures given. But efforts are continually being made to convert the recalcitrant bodies, by persuasive means, and it is expected that many more will become associated as the advantages become brought home to them.

The number and variety of occupations met with in a large municipality is impressive. A recent compilation shows that the total number of manual occupations, reckoning unskilled, semi-skilled and skilled classes, exceeds 700, in a typical large town. Upwards of 20,000 workmen would be employed by such a municipality, and the aggregate wages bill would amount to over £3,000,000 per annum. A mere 1d. per hour advance in wages would swallow up over £200,000, which is equal, statistically, to an addition of 8d. in the £ on the rates of a city like Birmingham.

These figures well illustrate the heavy responsibilities which are carried by the Joint Industrial Councils and their administrative advisers. The Councils should therefore be both strong and capable, and their members selected solely on grounds of fitness for their task. That these conditions operate in the case of the municipal Joint Industrial Councils may be deduced from the widespread acceptance of their decisions by the employing authorities concerned, which is all the more remarkable when it is remembered that the Joint Councils

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are endowed with no mandatory powers, but make their decisions solely in the form of recommendations.

### *The Government's Attitude*

The Government Departments have, as in other industries, taken a keen, though strictly neutral, interest in the progress of the Municipal Joint Industrial Councils. The Ministry of Labour's representative attends, with a "watching brief," the National Council meetings, and the Ministry of Health's auditors allow without question the payment of subscriptions by the local authorities to cover the necessary administrative expenses.

The Joint Councils are also the recognised channel through which the Government obtains the view of the local government departments upon employment questions.

### *The next step—International?*

Considering its comparatively short life the Joint Industrial Council movement, both in the public services and in outside industry, has made remarkable progress. Nevertheless, its potentialities for the future are enormous.

To this country lies the credit of originating the idea; other countries have adopted and applied it, not only in connection with wage rates and working conditions, but in relation to the wider problems relating to industry with which every country is confronted. Records show that many successful representations have been made by Industrial Councils to Government Departments on such varied subjects as trade marks, foreign competition, Empire marketing, classification of trade statistics, etc., etc. The thorny problem of the 40-hour working week is a more recent instance where the British Government, urged on by the International Labour Office, has recognised the authority of Joint Industrial Councils and solicited their views.

This leads in the natural order to the suggestion that the next move should be an International Joint Industrial Council—a League of Nations to consider wage problems and industrial relations, constituted on the true Joint Industrial Council plan and providing a means whereby industry, through its accredited representatives from the employers' associations and the employees' organisations, would be able, untrammelled by political interference, to tackle, and work out solutions for, the problems which retard international trade to-day.

International economics need re-adjustment to present-day requirements. The staggering difference in wage rates and hours of labour in different countries, such important factors in fixing

## *Municipal Wage Regulation*

commodity prices, admittedly gives an unfair advantage to the low-standard countries, and urgently calls for the serious attention of the industrialists and representatives of organised labour of all countries. An International Joint Industrial Council would provide the means for "round-table" discussions, and lead to the making of wise decisions on these and allied questions concerned with industry. And to such a body the same men who have brought about so marked an improvement in industrial relations in the industries which are "sheltered" from foreign competition, including the municipal services, could make a valuable contribution founded on their experience of the past twenty years.

This is my justification, if such be necessary, for introducing to an assembly concerned primarily with the administration of the public services a concrete suggestion for extending the sphere of influence of the Joint Industrial Council system into the international field.

# Delegated Legislation

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## *Its History*

THE delegation of legislative powers by Parliament in the British constitution is not an ultra-modern institution. It has appeared all through British history from time to time, whenever the stress of legislation was great. The first examples of delegated legislation occurred in the Tudor period in the sixteenth century,<sup>1</sup> when, as in the nineteenth and twentieth centuries, "great political, social, and economic changes were taking place."<sup>2</sup> In the eighteenth century delegations of legislative powers were rather sparing, although "there were certain rare instances even in the eighteenth century, in which these powers were given to officials and to the Crown."<sup>3</sup> But in the nineteenth and even more in the twentieth century, the delegation of legislative functions has become the order of the day. To-day, it has become only normal for an Act of Parliament to entrust the task of making detailed rules and regulations incidental to the Act to some administrative body. "In mere bulk," said Mr. Carr,<sup>4</sup> "the child now dwarfs the parent. Last year, while 82 Acts of Parliament were placed on the statute book, more than ten times as many statutory rules and orders of a public character were officially registered. . . . The annual volume of public general statutes for 1920 occupied less than 600 pages: the two volumes of the statutory rules and orders for the same period occupy about five times as many."

It must be pointed out at the very start that the delegation of legislative functions did not proceed on any well-planned basis or system. Absence of system is, in any case, the one prominent feature of English political life and thought; but this is particularly true of the ways in which sub-legislative powers were delegated to executive and administrative bodies. It has manifested itself even in the haphazardness and confusion with which legal terminology has been employed in the various statutes conferring delegated legislative powers. The terms "regulations," "rules," "orders," "warrants," "minutes," "schemes," "bye-laws" have been used in practically all senses without proper distinction.<sup>5</sup>



## *Delegated Legislation*

This diversity of expression may have partly been due also to the diversity of the reasons which necessitated the delegation of sub-legislative powers. Very often, the power has been delegated because the topic under legislation involved much detail, at other times, because it was far too technical, at others still, because the pressure of other demands upon parliamentary time did not allow the necessary time to be devoted by the House of Commons to the particular Bill. "The limits of delegated power, the methods of ministerial procedure, and the safeguards for the protection of the public, or the preservation of parliamentary control, thus appear often to have been dictated by opportunist considerations, peculiar to the occasion."<sup>6</sup>

### *Two Forms*

The delegation of legislative functions has usually taken two forms. Parliament has delegated sub-legislative functions either to the Council or to the various government departments. "Until our administrative departments (which in some instances are offshoots of the Privy Council) reached their present elaboration, the King in Council was the obvious authority available to undertake to make rules and regulations. The more elaborate our departments become, the more do they take over the legislative powers entrusted in times past by Parliament to the Privy Council. Yet even now, though the Home Office is specially concerned with aliens and the Air Council with aerial navigation, the big codes governing these topics are issued not on the authority of the heads of those departments, but on the authority of an Order in Council. Doubtless the department prepares the draft, but the formal legislative act is made more dignified—one might almost say more national—by being united with the traditions of the King in Council."<sup>7</sup>

In either of these forms, therefore, the sub-legislative functions are in actuality exercised by the same set of people, the administrative staff of the various departments. This twofold form of delegated legislation does not, therefore, interest us very much; for to whomsoever it is delegated in form, in essence delegated legislation is always exercised by the civil service. Our concern is primarily to analyse the terms in which legislative power is delegated by Parliament.

### *Terms*

As regards the terms in which legislative powers have been delegated, there prevails the largest amount of confusion. The manifold cases of delegated legislation vary so much in the extent of delegated legislative power, the finality or otherwise of the delegated legislative measures, and their liability or not to judicial review, that

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it is extremely difficult to reduce them to a definite system of classification.

The Committee on Ministers' Powers<sup>8</sup> solved the difficulty by proceeding, from the very start, to distinguish between what it called the "normal" and the abnormal or "exceptional" types of delegated legislation. It defined<sup>9</sup> the normal type as possessing two distinguishing characteristics, one positive and the other negative. Positively, the limits, in a normal type of delegated legislation, must be so clearly defined by the enabling Act as to be plainly known to Parliament, the Executive, and the public, and to be readily enforceable by the judiciary. Negatively, the powers delegated must not include the ability to legislate on matters of principle or to impose taxation or to directly or indirectly do anything which has the effect of amending any Act of Parliament. All cases which did not satisfy these characteristics the Committee classified as exceptional or abnormal cases of delegated legislation.

We disagree with the Committee's approach to the analysis of the subject, for it has certain obvious drawbacks. The Committee's definition of the normal type of delegated legislation is much too narrow and limited in its scope: it excludes a large number of what would seem to us perfectly justifiable cases of delegated legislation from its purview. It fails to take fully into account the force of the various exigencies that occasion the delegation of legislative powers. The power to make rules might frequently be delegated to a government department, because the topic under discussion might involve far too many technical details<sup>10</sup> or because a law might affect people's lives so closely that elasticity may be absolutely essential in its administration.<sup>11</sup> Would it be wise in such cases, as it must be necessary by the Committee's definition of the normal type of delegated legislation, to provide for a compulsory enforcement by the judiciary, or even for a judicial review of administrative action? In any case, the Committee's method is objectionable, for it serves to give the impression, undesirable in the case of an impartial inquiry committee, that the Committee had made up its mind about the whole thing even before it had proceeded to investigate the cases under review.

The Committee's definition of the normal type of delegated legislation, however, by pointing out the various items that are a necessary adjunct of any system of delegated legislation, supplies us with a ready-made basis of classification and investigation, and we might, therefore, usefully proceed to a consideration of the cases of delegated legislation on the basis of the following points:—

(i) How far the limits of delegated legislative powers have been specifically defined in the various statutes delegating legislative powers.

## *Delegated Legislation*

(ii) How far judicial review and judicial enforcement has been provided for or excluded.

(iii) How far legislation on matters of principle or to impose taxation has been permitted by the various Acts.

(iv) How far the various authorities, in the exercise of their delegated legislative powers, have been empowered directly or indirectly to amend any Acts of Parliament.

### I.

First, then, we shall investigate how far delegated legislative power has been defined as to its limits in the various statutes.

Most of the statutes do define the limits within which regulations made under the authority of delegated legislation may be effective. Indeed, that is natural in the very implication of the term "delegated authority." The Parliament lays down general principles, and the departments fill in the details, without at the same time touching or disturbing any of the principles themselves.

In certain cases, however, the powers delegated to a Minister or a government department may be wide, and no limiting definition of those powers may be made in the statutes. An example of such a statute may be found in the Patents, Designs, and Trade Marks Act of 1888,<sup>12</sup> of which section 1 provides, firstly that after the 1st of July, 1889, no person shall be entitled to describe himself as a patent agent unless he is registered as a patent agent in pursuance of the Act, and secondly that the Board of Trade shall make such general rules as are in the opinion of the Board required for giving effect to this section. This section, thus, made the discretion of the Board of Trade final in itself and excluded judicial review altogether.

Such cases of conceding unlimited discretion upon the executive may sometimes occur for good reasons. "Where the Board of Trade is empowered to draw up a final list of safety appliances that must be carried in a ship, or to regulate a dangerous practice of fishermen, or the Secretary of State to make special safety orders to fit the conditions of special mines or factories, the insertion of a section purporting to bar review by the courts only reinforces the reluctance of the judges to interfere with technical regulations."<sup>13</sup> In matters that are highly technical, and on which our knowledge increases from year to year, it is only reasonable that Parliament should make a general law and allow the details to be filled in by the departments as necessary. "If Parliament has once enacted special safeguards for the sale of poisons, has declared that industrial diseases shall come within the scope of the Workmen's Compensation Acts, or has made some central authority responsible for taking

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precautions in the case of the outbreak of epidemic or infectious diseases, it is plainly reasonable that power should be given without a fresh resort to legislation to vary or amend from time to time the list of poisons or industrial diseases in accordance with the latest results of scientific inquiry; and this is accordingly recognised in the Pharmacy Acts, the Workmen's Compensation Acts, and the Public Health Acts."<sup>14</sup> In such cases skeleton legislation would presumably be justified.

But Parliament sometimes goes further than this, and empowers the government departments to make codes in such matters as cremation, highways, gas regulation, formation of marketing bodies, etc.<sup>15</sup> In such matters, the concession of final discretionary authority to the departments is rather less justifiable, at least in normal times. It is unjustifiable because an uncontrolled bureaucracy is always a dangerous form of administration. But of that we shall speak later.

### II.

Combined with the question of the delegation of unlimited discretionary authority to executive departments, is the question how far the various statutes delegating legislative authority have conferred upon administrative functionaries the power to legislate on matters of principle or to impose taxation.

A remarkable example of the power to legislate on matters of principle is to be found in the Poor Law Act, 1930,<sup>16</sup> section 136 of which lays down that "for executing the powers given to him by the Act, the Minister of Health shall make such rules, orders, and regulations, as he may think fit, for (A) the management of the poor . . . etc." This provision virtually authorises the Ministry of Health to formulate a policy of poor law administration on its own initiative and to administer it in its own discretion. Further cases for the delegation of legislative functions of the same nature were provided by the emergency situation of 1931: in one Act after another,<sup>17</sup> in that year, Parliament delegated powers to the government departments to frame regulations on matters of principle.

By far the most important example of such delegation, however, is provided by what is known as the "procedure by scheme." Procedure by scheme is only a polite term for private Bill legislation by a department. In some cases the scheme might be drawn by the department itself, in other cases it might originate in another quarter (usually a local authority) and then might come to the department for investigation; but in either case, the order of the department gives full effect to the proposals submitted. For what Parliament does is to delegate, after a most cursory examination of the scheme,

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to a department the authority to legislate in the matter by rules and orders which "shall have effect as if enacted in the Act." The Housing Act of 1925<sup>18</sup> provides an example of this procedure: section 40 (5) provides that "the order of the Minister when made shall have effect as if enacted in the Act." "On the face of it, the Minister issued a final confirming order and nothing more; in fact he was doing what historically the Select Committee had always done, reporting in favour of the Bill. But he was doing more than that: his report to himself had all the force that could be given to it by a third reading in the House of origin, a duplication of the procedure in the other House, and the Royal Assent."<sup>19</sup>

Besides the power to legislate on matters of principle, statutes may sometimes delegate the power to impose taxation. Of this, the Committee on Ministers' Powers gave an example in Part II of the Safeguarding of Industries Act, 1921;<sup>20</sup> but this is a rather rare occurrence. Part II of the Safeguarding of Industries Act was also repealed by the Finance Act, 1930, so that at present it is not very easy to find a clear case of delegation of taxing power.

### III.

As regards the question of the amenability of the departmental regulations to judicial review, there has been a large volume of discussion.

In some of the statutes, the enforcement by the judiciary is neither specifically provided for nor definitely excluded. Such statutes do not present any great difficulty, for in the absence of any specification, the right of the courts to inquire into the validity of administrative rules and regulations is taken for granted.

In a good many statutes, however, there are inserted the words that "the rules made under the statute shall have effect as if enacted in the Act." This is the form that is used quite frequently. "Making due allowance for those instances," says Willis,<sup>21</sup> "which I must have necessarily missed, there are well over 150 statutes in which this power is delegated during the period 1850-1931."

Far the earliest to be entrusted with delegated powers in these terms were the judges.<sup>22</sup> The other departments of the state came to have them only later on, when social developments brought new duties to the government. In the beginning they were confined to the dealing with emergencies at home and the conduct of foreign affairs: it was comparatively later they came to concern themselves with the machinery of government. The Bank of England was permitted to make final rules relative to the conversion of, and proof of title to, government stock.<sup>23</sup> As Parliament undertook new legislation, new

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*ad hoc* committees and commissions were set up and entrusted with similar powers in other matters.<sup>24</sup>

How far does the provision that "rules shall have effect as if enacted in the Act" exclude judicial review? That is the question that has been the subject of considerable critical analysis and a few crucial judicial suits.<sup>25</sup> From judicial decisions as well as from the internal evidence of the statutes, it may now be safely concluded that, in many cases, the words that rules shall have effect as if enacted in the Act are a mere tautology. Whatever their force, ultimately all rules must disappear along with the Act on which they hang; and even when they do once come into force, they may still be annulled or amended either by resolution or by subsequent rules. It will thus be clear that their character is essentially secondary and subsidiary, and they can never be said to have anything like actual statutory force.

The courts have, therefore, held that the fact that a rule has been made under the general provision that "the rules shall have effect as if enacted in the Act" does not of itself bar review, for (i) even if a rule can take effect as if enacted in the Act, it must not be inconsistent with any of the express provisions of the fundamental Act, that is to say, that although it may enlarge the meaning of a provision in the Act, it must not be directly inconsistent with it, (ii) a rule that is wholly repugnant to the spirit of a statute under which it is made cannot have effect as if enacted in the Act.

These contentions of the courts are supported by the internal evidence of some of the statutes also. By making a distinction between regulations "made in pursuance of" and regulations "having the force of" an Act, but by conceiving in the same breath that the effect of the two may be the same, section 6 of the Government of Ireland Act<sup>26</sup> establishes that ultimately all regulations are secondary to the purpose of the Act, and therefore presumably reviewable by courts of law. Again, section 213 of the Poor Law Act of 1927<sup>27</sup> definitely makes every rule "to have effect as if enacted in the Act," but a little later, by subsection (3) of section 219 goes on to provide that "if on a rule being removed into the High Court by writ of certiorari it is quashed as illegal, the Minister shall notify . . . boards of guardians, and the rule shall, from the date of the notice, be void." Clearly, the Act contemplates that the rules made under it, although under the provision that they "shall have effect as if enacted in the Act," may still be declared void as *ultra vires*.

But there is a small set of statutes, where the provision delegating rule-making power to administrative bodies is worded in even more conclusive terms. For instance, Schedule III (2) of the Housing Act



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of 1925<sup>28</sup> says that "the confirmation by the Minister shall be conclusive evidence that the requirements of this Act have been complied with and that the order has been duly made and is within the powers of the Act." Again, section 5 of the Extradition Act, 1870,<sup>29</sup> states that "an Order in Council putting the Act in force with regard to the nationals of treaty powers is conclusive evidence that the arrangement therein referred to complies with the requisites of this Act and that the order applies in the case of the foreign states mentioned in the order, and the validity of the order shall not be questioned in any legal proceeding whatever." Of similar character is the provision in section 3 of the Parliament Act, 1911,<sup>30</sup> that "any certificate of the Speaker of the House of Commons given under this Act shall be conclusive for all purposes and shall not be questioned in any court of law."

This "conclusive evidence" clause does certainly put the action of the executive beyond all judicial review, and in so far as it does that it is open to objection. Whether it is obligatory for regulations made under such a clause to be in consonance with the spirit of the Act in the same way in which it is obligatory for regulations made under the provision that "they shall have effect as if enacted in the Act" is very difficult to say. Lord Hewart is of the opinion<sup>31</sup> that "in passing such a clause Parliament, it may be thought, was really stultifying itself, because having inserted express provisions in the Act for the protection of persons liable to have their property taken . . . it has by means of the conclusive evidence clause rendered such provisions nugatory." Messrs. Keir and Lawson also suggest<sup>32</sup> "that such a section was a standing invitation to the Board to exceed its powers." The Committee on Ministers' Powers adds strength to the criticism of such a type of delegation of legislative authority by classifying it as an "exceptional" instance.

### IV.

That brings us to the last question regarding the cases of delegated legislation—as to how far the various statutes delegating legislative authority have, in fact, enabled, directly or indirectly, an amendment of any of the Acts of Parliament itself.

This class of enactment has been given the suggestive, but rather inaccurate,<sup>33</sup> name of the "Henry VIII clause." Its intention is usually to empower "the appropriate Minister to modify the provisions of an Act so far as may appear to him to be necessary for the purpose of bringing the Act into operation." The idea is simply to enable minor adjustments "for the purpose of fitting its principles into the fabric of the existing legislation, general or local, and of meeting cases of hardship to local authorities."<sup>34</sup>

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Examples of such Acts are not difficult to find. The Committee on Ministers' Powers mentions that "in each of the eight modern Acts of Parliament passed between 1888 and 1929, such power has been conferred,"<sup>35</sup> although the provision conferring this power is usually transitory in its effect. In certain cases, *e.g.*, in the Juries Act, 1922,<sup>36</sup> or the Mental Treatment Act, 1930,<sup>37</sup> power has even been conferred to make such adaptations, by Order in Council, in any other enactment besides the enabling Act as may be necessary to give full effect to the Act.

Of all aspects of the cases of delegated legislation this aspect has come in for the largest amount of criticism. Such delegation does, indeed, supply the clearest evidence of the oft-repeated complaint that "Parliament has abdicated in the modern times in favour of the civil service." Lord Hewart attacked this type of delegated legislation with great force in his book "The New Despotism."<sup>38</sup> In 1929, in both Houses of Parliament also the matter aroused a storm of protest.<sup>39</sup>

### *How far are these provisions justified?*

It will be obvious that some of the cases of delegated legislation outlined above are really too wide in their scope. But are they unjustifiable?

The Committee on Ministers' Powers seems to suggest that a delegation of legislative power is justifiable only if it comes within its narrow definition of the "normal" type of delegated legislation. Anything that fails to conform to those conditions is unjustifiable. We need hardly say that that view is much too limited. So long as the functions of the government continue to increase, presumably the tendency will be towards conferring greater discretion upon executive authorities: so long as the topics of legislation continue to become more technical, presumably it will be more necessary to delegate to executive authorities the power to modify existing legal provisions in order to enforce new Acts: so long as the policy under social legislation continues to become growingly positivistic, presumably there will be greater justification for limiting over executive action the review by an archaic, cumbrous, formal, and static judicial system.

The question of the justifiability or otherwise of cases of delegated legislation must ultimately be decided not upon such formal grounds as suggested by the Committee on Ministers' Powers, but on the more realistic basis whether or not any case of delegated legislation offers the possibility of the abuse of delegated legislative power. Indirectly, the Committee on Ministers' Powers also admitted the truth of this argument in the course of its general discussion of the problem of

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delegated legislation. "No one familiar with the conditions under which business is transacted in Parliament will doubt that legislative methods and forms must of necessity be largely dependent on the suggestion of skilled advisers, on whose experienced guidance the Ministers of the Crown must inevitably rely."<sup>40</sup> Yet "risks of abuse are incidental to it (the system), and we believe that safeguards are required if the country is to continue to enjoy the advantages of the practice without suffering from its inherent dangers."<sup>41</sup>

The whole problem of delegated legislation is, thus, primarily a problem of framing suitable safeguards. Indeed, safeguards may not completely avoid the difficulties which are inherent in the growth of a new tendency in government, but they certainly help to prevent gross abuses and violent misapplications of the new opportunities, and that, in fact, is what is the underlying objective in the framing of a new policy.

### Existing Safeguards

Against the abuse of delegated legislative authority a number of safeguards are already in existence.

The primary safeguard, of course, is that regulations may be made only within the express limitations, whenever laid down, in the relative Acts of Parliament. As soon as a Minister goes outside the limits of his delegated powers in the framing of his regulations or in the exercise of his authority, he can be questioned in the ordinary court of law, and the court of law has the power to declare the regulation *ultra vires*.

There are, however, other checks also against the abuse of delegated powers. Many regulations must have the express approval of Parliament before they come into force. Other orders have to be laid on the table of each House for a specified number of days before they can have effect, and it is open to either House to question or reject them during this period. Other orders still, though they come into force as soon as made, have to be laid before each House, and that by itself constitutes a safeguard of great importance. It is true that there is a class of orders which is not subject to this process; but usually in all important matters, one or other of these safeguards is provided.

Further provisions against the abuse of delegated powers are:

(A) The provision of antecedent as well as subsequent publicity of all regulations under the Rules Publication Act, 1893.<sup>42</sup> Every rule and regulation is printed and published before it comes into force as well as after it comes into force, in separate forms. Special additional safeguards for publicity are also sometimes provided in certain particular statutes. (B) The power of outside interests

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which are affected by the regulations. It is noticeable that it is a normal practice for a department now, before issuing its rules and regulations, to consult with the interests that are likely to be affected. As the interests are becoming rapidly more organised, more vocal, and more powerful, this safeguard also is becoming more real.

But much more than all these safeguards is the responsibility of the Minister to Parliament, which can be brought home to him not only by frontal attack of resolutions but also by the very effective sniping of questions. This usually makes the department endeavour to keep its regulations within the intentions of the Act of Parliament.

### *Further Safeguards suggested by the Committee*

The Committee on Ministers' Powers, however, felt that these safeguards, although pretty comprehensive in character, were in reality not very effective. Again, these safeguards are unsystematic and undefined; their application, therefore, to the various cases of delegated legislation is very haphazard and whimsical. They apply to some cases, but do not apply to all. The Committee, therefore, made an effort to define and systematise the safeguards, and recommended:<sup>43</sup>

(i) That there should be simplification of nomenclature. The expression "regulation," "rule," and "order" should not be used indiscriminately to describe the instruments by which law-making power conferred on Ministers by Parliament is exercised, but they should convey a definite meaning.

(ii) That the law-making powers sought to be conferred upon the Ministers should always be expressly and clearly defined by the statute which confers it.

(iii) That the power to modify the provisions of the Acts of Parliament should be conferred on the Ministers only in the most exceptional cases.

(iv) That since the Rule of Law requires that all regulations should be open to challenge in the courts, Parliament should abandon the practice of "excluding the jurisdiction of the courts to inquire into the legality of a regulation or order" in all but the most exceptional cases. And even in these cases Parliament should definitely state in the statute its underlying intention in passing the Act, and, if possible, allow a period of challenge of three or six months.

(v) That the publicity of the rules and regulations should be made more thorough by the passing of a new Rules Publication Act (the principles of which were defined by the Committee in its report). Along with it is recommended the extension of the system

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of departmental consultation with outside interests likely to be affected by a proposed exercise of law-making power.

(vi) That "except when Parliament expressly requires an affirmative resolution, there should be uniform procedure in regard to all regulations required to be laid before Parliament, that is to say, all regulations should be open to annulment by resolution of either House within twenty-eight days on which the House has sat."<sup>44</sup>

(vii) That whenever a Minister presents a Bill in which it is proposed to confer law-making powers on that or any other Minister, it should be accompanied by a memorandum explaining why that power is needed, how it would be exercised if conferred, and what safeguards there would be against its abuse; and

(viii) That there should be set up a small standing committee in either House of Parliament at the beginning of each session, for the purpose of (A) considering and reporting on every Bill containing a proposal to confer law-making power on a Minister, and (B) considering and reporting on every regulation and rule made in the exercise of delegated legislative power and laid before the House in pursuance of statutory requirement.

### *Criticism of these recommendations*

The recommendations of the Committee are good so far as they go, but they do not go very far. The Committee has relied obviously too much on the protection afforded by the Rule of Law and the scrutiny of Parliament.

The Rule of Law supposes that every exercise of discretionary power may be questioned before a court of law on the grounds of *ultra vires*, and it has been, therefore, assumed that the judiciary's traditional independence of the executive may be relied upon to check abuse. But the Rule of Law can no longer be said to be operative in England, for already there is a wide range of executive Acts which altogether escape judicial scrutiny; and curiously enough the protection of the citizen is needed largely only where the operation of the Rule of Law has been restricted by statutory enactment. Even where the Rule of Law does operate, the traditional English courts, dispensing justice on static legal principles, are not proving particularly helpful as a beneficent check on the exercise of discretionary authority by the government departments.

The control exercised by the courts is not only cumbersome, it is actually undesirable in the larger interests of the State to-day. What is needed is not so much a criticism, and that is what the courts can alone make, of the exercise of discretionary powers or its annulment and abrogation, as its direction into the right channels of activity. This is a task which cannot be properly entrusted to

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the ordinary judicial courts. The real object of discretionary powers is to realise the purpose of the statute; that is clear from the secondary character of delegated authority itself. The business of the executive is to seek to attain the end that the statute has in view, while the courts of law tend to forget the vital ends of legislation and interpret the statutes narrowly. This is particularly so in an increasingly positivistic state, as will be clear from a study of the attitude of the courts to liberty of person and right of property during the War or towards the housing schemes and other social activities in the post-War period.

The scrutiny by Parliament is also very unsatisfactory. Parliamentary intervention to-day is only an exception and not the rule; but even if it does become general, parliamentary examination is always so superficial (in the nature of things it cannot be otherwise) and usually so automatic that parliamentary scrutiny cannot be relied upon.

What is needed is something more real, and at the same time more in keeping with the needs of the changing society, if the country is really to continue to enjoy the advantages of the practice without suffering from its inherent dangers. This something was suggested by Professor Harold Laski in an article in *Politica*.<sup>45</sup>

### *Professor Laski's suggestion*

Professor Laski suggests that the procedure that would be best suited as a safeguard against the dangers of bureaucracy must be based on three principles:—

(A) There must be an assurance that the powers taken by the executive do not exceed the original delegation of authority.

(B) There must be an assurance that those affected by the exercise of discretionary powers shall be consulted about them before they go into operation.

(C) There must be an assurance that the legislature is fully informed of the uses to which such discretionary powers as it confers are put.

To reduce these three principles into an institutional form, they would mean that the procedure adopted should (i) guarantee a publicity suited to the rules proposed, (ii) assure their adequate criticism by people most capable of judging their possible effects, and (iii) maximise the protection of the citizen against abuse of power by the executive by compelling the latter to submit its proposals to analysis.

What is the possibility of a critical analysis of administrative regulations to-day? Practically all decisions and ordinances made in the exercise of delegated authority are reported to the legislature,



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but they are seldom criticised and more or less automatically accepted. The question of *vires* is decided by the ordinary courts, and their examination is extremely complicated and out of date.

The recommendation of Professor Laski, therefore, is that "Parliament should create one or two commissions to which regulations made in virtue of delegated authority should be submitted in the first instance. These regulations would be accompanied by a report of the department concerned explaining (i) the nature of the regulations, (ii) any special points they contain, (iii) the consultations which have preceded their issue, and (iv) the criticisms which have arisen in the course of their consultations. The Commission would submit the regulations and its report to a judicial tribunal qualified to give its views on the question of *vires*. This tribunal, which might be a body similar in character to the Judicial Committee of the Privy Council, would announce a day for hearing legal discussion, whether from the department itself or from any interest which denied the legal validity of the proposed regulations. The tribunal would then report on the question of *vires* to the Parliamentary Commission, which would, in its turn communicate its views to Parliament. The legislature, so advised, would then act in its discretion."<sup>46</sup>

Professor Laski's suggestion is virtually an adaptation of the French system of administrative courts to English conditions; but it is a very happy and welcome adaptation, because while the intervention of the French Council of State is *ex post facto*, Professor Laski's scheme provides for legal opinion upon *vires* even before the regulations come into force. This would help to prevent a lot of unnecessary litigation. The whole procedure suggested by Professor Laski would form an effective guarantee that regulations would be reasonably made, and that, in fact, is the supreme objective of all political discussion on the subject of delegated legislation. The need of the time is not the abolition or even the cramping of delegated legislation—that is neither possible nor desirable—but the assurance that delegated legislation would contribute to the attainment of the vital ends of legislation, neither more nor less. That assurance Professor Laski's suggestion eminently secures.

### NOTES.

<sup>1</sup> "The chief, if not the only, clear instances in which, before the nineteenth century, Parliament seems to have given a power of delegated legislation . . . are first, an enactment concerning the Staple made in 1385, secondly, Henry VIII's Statute of Sewers, 1531 (23 Hen. VIII, c. 5), thirdly, Henry VIII's Statute of Proclamations, 1539 (31 Hen. VIII, c. 8), fourthly, sec. 59 of Henry VIII's Statute of Wales, 1542-3 (34 & 35 Hen. VIII, c. 26), and fifthly, two statutes of 1536 and 1547 (28 Hen. VIII, c. 17 and 1 Edw. VI, c. 11)."—Report of the Committee on Ministers' Powers, Cmd. 4060 [London, 1932], p. 13.

<sup>2</sup> Report of the Committee on Ministers' Powers, p. 15.

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<sup>8</sup> Report: Committee on Ministers' Powers, p. 10.

For examples of these instances, see pp. 11-12.

<sup>9</sup> C. T. Carr: Delegated Legislation [C.U.P. 1921], p. 2.

<sup>10</sup> Report: Committee on Ministers' Powers, p. 16.

<sup>11</sup> Report: Committee on Ministers' Powers, p. 16.

<sup>12</sup> C. T. Carr: Delegated Legislation, p. 55.

<sup>13</sup> Appointed by the Lord Chancellor "to consider the powers exercised by or under the direction of Ministers of the Crown by way of (a) delegated legislation and (b) judicial or quasi-judicial decision, and to report what safeguards are desirable or necessary, etc., . . ." on 30th October, 1929. Reported on 17th March, 1932.

<sup>14</sup> See Report [Cmd. 4060, London, 1932], p. 30.

<sup>15</sup> "Much of the detail in the laws passed by Parliament to-day is so technical as to be unsuitable for parliamentary discussion, for example, patents, copyright, trade-marks, designs, diseases, poisons, the pattern of the miners' safety lamps, wireless telegraphy, the heating and lighting values of gas, legal procedure, or the intricacies of finance."—C. T. Carr: Delegated Legislation, p. 20.

<sup>16</sup> "It is impossible, for instance, to pass an Act of Parliament to control an epidemic of measles or an outbreak of foot-and-mouth disease as and when it occurs. Also, such measures as Public Health Acts must be differently applied in different parts of the country. Besides there are many subjects of legislation on which our knowledge increases from year to year, and here, again, some machinery for adapting the principles of the relevant statutes to novel conditions is desirable. If Parliament has once enacted special safeguards for the sale of poisons, has declared industrial diseases shall come within the scope of the Workmen's Compensation Acts, or has made some central authority responsible for taking precautions in the case of the outbreak of an epidemic or infectious disease, it is plainly reasonable that power should be given, without a fresh resort to legislation, to vary or amend, from time to time, the list of poisons or industrial diseases, or to make regulations for the purpose of combating disease in accordance with the latest results of scientific inquiry, and that is accordingly recognised in the Pharmacy Acts, Workmen's Compensation Acts, and the Public Health Acts."—M. L. Gwyer: *The Power of Public Departments to make rules having the force of Law*. PUBLIC ADMINISTRATION, V (1928), p. 44.

<sup>17</sup> 51 & 52 Vict. c. 50.

<sup>18</sup> J. Willis: *The Parliamentary Powers of English Government Departments*. [Harvard U.P., 1933], pp. 106-7.

<sup>19</sup> M. L. Gwyer: *The Power of Public Departments to make rules having the force of Law*.—PUBLIC ADMINISTRATION, V. (1928), p. 44.

<sup>20</sup> Refer (i) Cremation Act, 1902 (2 Edw. VII, c. 8), sec. 7.

(ii) Motor Car Act, 1903 (3 Edw. VII, c. 36), secs. 2 and 7, and Road Traffic Act, 1930 (20 & 21 Geo. V, c. 43), sec. 45.

(iii) Gas Regulation Act, 1920 (10 & 11 Geo. V, c. 28), sec. 10.

(iv) Agricultural Marketing Act, 1931 (21 & 22 Geo. V, c. 42), sec. 1.

<sup>21</sup> 20 & 21 Geo. V, c. 17.

<sup>22</sup> (i) Gold Standard (Amendment) Act, 1931 (21 & 22 Geo. V, c. 46).

(ii) The National Economy Act, 1931 (21 & 22 Geo. V, c. 48).

(iii) The Foodstuffs (Prevention of Exploitation) Act, 1931 (21 & 22 Geo. V, c. 51).

(iv) The Abnormal Importations (Customs Duties) Act, 1931 (22 Geo. V, c. 1).

(v) The Horticultural Products (Emergency Customs Duties) Act, 1931

(22 Geo. V, c. 3).

<sup>23</sup> 15 Geo. V, c. 5.

<sup>24</sup> J. Willis: *Parliamentary Powers of English Government Departments*, p. 116.

<sup>25</sup> 11 & 12 Geo. V, c. 47.

<sup>26</sup> *Parliamentary Powers of English Government Departments*, p. 91.

<sup>27</sup> The Alteration in Pleadings Act, 1850 (13 & 14 Vict., c. 16), sec. 1, empowered the judges to make alterations in the mode of pleading: originally passed for five years, it was made permanent by 18 & 19 Vict., c. 26. The Court of Chancery Act, 1850 (13 & 14 Vict., c. 35), sec. 1, permitted certain judges of the Chancery to make rules regulating the stating of special cases. The Common Law Procedure Act, 1852 (15 & 16 Vict, c. 76) handed over the task of making rules and writs to the judges: the Improvement of the Jurisdiction of Equity Act, 1852 (15 & 16 Vict., c. 86) gave the power to remodel their own procedure to the Chancery judges.

<sup>28</sup> Refer National Debt Act, 1870 (33 & 34 Vict., c. 71), Stock Certificate Act, 1863 (26 & 27 Vict., c. 28), and the India Stock Act, 1863 (26 & 27 Vict., c. 73).

<sup>29</sup> "I have discovered ten of these commissions which were at some time or for some purpose, small or great, empowered to issue rules of statutory effect."—J. Willis: *Parliamentary Powers of English Government Departments*, p. 99.

<sup>30</sup> (i) Institute of Patent Agents v. Lockwood (1894) A.C. 347.

(ii) Local Government Board v. Arlidge (1915) A.C. 120.

(iii) *Ex parte Yaffe* (1931) A.C. 494.

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- <sup>26</sup> Government of Ireland Act, 1920 (10 & 11 Geo. V, c. 67), sec. 6 (3).  
<sup>27</sup> 17 & 18 Geo. V, c. 14.  
<sup>28</sup> 15 Geo. V, c. 5.  
<sup>29</sup> 33 & 34 Vict., c. 52.  
<sup>30</sup> 1 & 2 Geo. V, c. 13.  
<sup>31</sup> Refer *The New Despotism*, by Lord Hewart of Bury [Benn, 1929], p. 73.  
<sup>32</sup> Refer D. L. Keir and F. H. Lawson: *Cases in Constitutional Law* [Oxford U.P., 1933], p. 144.  
<sup>33</sup> Because while the purpose of Henry VIII was to gain authority to make proclamations having the force of law, the purpose of Parliament, in passing such legislation, was to enable minor adjustments of its own handiwork.  
<sup>34</sup> Report: Committee on Ministers' Powers, p. 36.  
<sup>35</sup> Report on Ministers' Powers, p. 36.  
<sup>36</sup> 12 & 13 Geo. V, c. 11, sec. 6.  
<sup>37</sup> 20 & 21 Geo. V, c. 23, sec. 20.  
<sup>38</sup> [Benn, 1929], pp. 52-57.  
<sup>39</sup> See 224 Com. Debates (5th series), particularly for January, 1929, last week.  
73 Lords Debates (5th series), particularly for March, 1929.  
<sup>40</sup> Report on Ministers' Powers, p. 24.  
<sup>41</sup> Report on Ministers' Powers, p. 5.  
<sup>42</sup> 56 & 57 Vict., c. 66.  
<sup>43</sup> Report on Ministers' Powers, pp. 64-70.  
<sup>44</sup> Report on Ministers' Powers, p. 67.  
<sup>45</sup> H. J. Laski: *Discretionary Power*, *Politica*, vol. I (1935), pp. 274-85.  
<sup>46</sup> *Politica* (1935), vol. I, p. 279.

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### Haldane, 1856-1915

*The Life of Viscount Haldane of Cloan, K.T., O.M.* By Major-General Sir FREDERICK MAURICE. Pp. 394. (Faber & Faber.) 18s. net.

HALDANE completed 72 years of life, of which this book covers 59, leaving 13 for a further volume; the unequal division coinciding with the break in his career by exclusion from the Asquith coalition cabinet. By a happy choice, his biographer is a soldier qualified by service before and after the Haldane reforms to judge them at first hand, and by descent from the founder of the original Working Men's College, as well as his own labours in that field, to appreciate Haldane's achievements in the cause of education also.

As the story of his first appearance on the Woolsack (*æt.* 6) indicates, he was from the beginning destined to the English Bar and was conscious that he was expected to make history. "Sources" for his life are plentiful: his voluminous personal papers, arranged by Miss Haldane, the Autobiography she saw through the press shortly after his death, and his own publications, especially his account of his mission to Berlin in 1912 (*Before the War*, 1920), so that this authorised Life could not be expected to reveal many secrets. Members of the Institute will also remember the four papers in the October, 1928, number of PUBLIC ADMINISTRATION dealing concisely with his record in Politics, Administration, Higher Education and Law. The present volume, admirably recounting so full and many-sided a life, defies condensation within the limits of a review, while until the further volume has appeared any final summing-up would be premature. But an attempt may be made to indicate the general effect of the part-finished canvas.

It shows a man not lucky by the standard of those to whom successes come with little or no exertion. With a good start in life, an extremely powerful brain and a phenomenal capacity for hard work rapidly done by complete mastery of the art of delegation of details, he was handicapped by a voice too weak for the ordinary run of work at the Bar, and lack of personal magnetism for popular leadership. Always far-sighted, he was not content with limited objectives but when an opportunity came he pressed forward with all

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his powers only to find, too often, that the wind failed and the run stopped short of the distant mark. His prospects of a happy marriage were very soon shattered. His good fairy found for him in Arthur Balfour a "soul" sharing his love of philosophy, his interest in Education and Defence, his superiority to the politics of party and his rare quality of what the Greeks called *megaloopsychia*. From opposite benches, the two allies co-operated effectively in Balfour's great Education Bill and Irish University schemes, and in Haldane's long struggle for new provincial Universities and for one in London worthy of the Metropolis. But the Irish scheme was shelved by party for ten years; and the visible embodiment of the London ideal on Haldane's Bloomsbury site is only now taking shape. Balfour had originated the Committee of Imperial Defence and, through his masterful handling of the Esher Report, the General Staff. Haldane, when his turn in office came, developed the Committee of Imperial Defence machinery, gave the General Staff Imperial scope, and would have converted the Committee of Imperial Defence in war time into the War Council for lack of which we went so far astray in 1914-18.

As long as the allies retained their full powers, the Army was outside party, and Balfour's declaration that, his party having failed to produce anything workable, Haldane must have his chance, secured the passage of the Bill of 1907, on which his own party was lukewarm; rapid progress was made, and the "Hegelian Army," with the promise of which Haldane had wickedly mystified his Generals, showed every sign of being a solid reality. And then the wind shifted. Balfour resigned his leadership and his successor, with a totally different mentality and no experience of defence questions, at once dragged the Army back into politics by an ill-informed attack on Haldane in the Commons and by countenancing other attacks elsewhere; and though by that time the reforms were safe, the heat generated in Parliament and the Press enabled Bonar Law in 1915 to exact from Asquith, as the price of coalition, the exclusion of Haldane (then Lord Chancellor) from the new Cabinet. Even Austen Chamberlain, who had been within an ace of succeeding Balfour, admitted in 1936 (*Politics from Inside*): "I never understood, till the Great War came, what a magnificent achievement Haldane's Army re-organisation was. Confession of the error is the only amends I can offer to his memory." But worse remains: Kitchener had been so far infected with denigration of the reforms that (as the present writer himself experienced) he came to the War Office totally ignorant of the instrument placed in his hands, but determined, against the outspoken advice of French and Haig, not to rely at all on either the Territorial personnel or the administrative machinery behind it which had been expressly designed for the expansion of our Armies.

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Again Haldane, the first Minister to grasp our lack of modern organisation for naval war, repeatedly offered to leave the War Office in order to organise in the Admiralty a War Staff corresponding to the General Staff, only to see the mission given (for reasons unconnected with efficiency) to Mr. Churchill. Ignoring the latter's attack on him from within the Cabinet in 1908, Haldane, selfless as ever, gave him all possible help and advice in the early stage and pronounced him "delightful to work with"; nor does he seem ever to have criticised the later steps or the results actually obtained. On becoming Lord Chancellor in 1912, besides noting the necessity for the large administrative reforms in that sphere, recommended years afterwards by his Machinery of Government Committee (which pertains to the next volume), he drafted a Bill for entire reconstruction of our tangled maze of Conveyancing practice; but war and his exclusion from the Cabinet pigeon-holed it. When afterwards Birkenhead revived the plan, with improvements, Haldane worked hard with him to perfect it and, when it became law, was the first to give him all the credit. *Sic vos non vobis*.

In his last days he wrote that he "had no sense of success on any very large scale in things achieved, but the sense of having worked and having found happiness in doing so," recording at the same time that he would not, if he could, take the chance of living life over again—not because of his many disappointments, but in acknowledgment of "the great part which accident and good luck has really played in the shaping of our careers and in giving us such successes as we have had."<sup>1</sup> With which modest self-measurement let us leave him for the present, believing that "[And] when the One Great Scorer comes to write against your name, He marks not that you won or lost, but how you played the Game."

The index of the book is unreliable. An attempt to use it showed that Haldane is entered as Lord *Chamberlain*; that two misspellings of the Earl of Middleton's title in the text have wrongly dragged in Lord Middleton, and that Lord Mottistone's title is also misspelt. The very important subject of the Admiralty War Staff is not to be found, though the "harmonious association with Churchill," wrongly entered under pages 207-8, is probably an indirect reference to that subject, intended for pp. 287-8 where the epithet "delightful to work with" appears. Haldane's critical struggle against Churchill and other Ministers in 1908 is also difficult to identify under the entry "his hard-won fight, p. 230"—he had so many! Finally, reading this valuable and absorbing record would be easier if it had either a brief chronology of principal events, or showed the year at the head of every page.

C. HARRIS.

<sup>1</sup> *Autobiography*, p. 353.



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### Problems of Town and Country Planning

By Sir GWILYM GIBBON, C.B., C.B.E., D.Sc. (London: George Allen & Unwin Ltd.) 5s. net.

NOBODY who has followed Sir Gwilym Gibbon's career at the Local Government Board and the Ministry of Health, and particularly those who have had the misfortune sometimes to be rebuked by him, will have any fear that a book written by him on the great problem of Town and Country Planning would be indefinite or weak; so one approaches No. 2 of the Town and County Hall Series written by him with some degree of expectation, wondering which of the categories of planners is coming in for his sharpest castigation. But there is no castigation in the book, although there are some very definite opinions expressed.

There are few subjects on which more nonsense has been talked in recent years than that of planning, both of town and country, and it is well that we should be brought back to earth by one who has been through the mill of Local Government, seen the seeds of planning germinate and grow, watched the growing plant and noted the treatment necessary to make more sure that the ultimate fruits shall be such as are required.

The book is not only historical and explanatory, but there are a number of hints as to the direction in which further powers are needed, and suggestions for those who read as to how Planning may be more efficient. To me the most telling parts of the book are those which emphasize that the beginning and the end is the vital necessity for research and education. This was the theme of my presidential address to the Town Planning Institute a few weeks ago, and I cannot help feeling that the planners of to-day, who in the main have been responsible for most of the ideas that led up to present-day legislation, have still one great duty to do before they hand on the torch: that is that they must perfect and make accessible the code of education and example, which would make it certain that the planning of the future shall be in capable hands, and that the planners of the future shall be so much in advance of any legislation, that when changes come they are ready to apply them.

And that is what this book leads up to. He pays gratifying tribute to the work of the Town Planning Institute, but pleads for further research, further education.

The author is not afraid of tackling controversial issues. He deals with what, to my mind, is the absolute vital element in planning, and that is control of land, pointing out how, although planning schemes will increase the value of land as a whole, the Local Authority is always paying out for open spaces, for widenings, for

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new roads, and the like, and it is always the speculator on the fringe of these things who gets the benefit, despite the feeble provisions for betterment.

The author gets straight down to the main controversial issue in planning in his chapter on "Business the Kernel of Planning," and he puts up a strong case for his view that many people who regard planning as primarily a matter of housing and of open spaces and other amenities are woefully wrong. "Planning," he says, "is a matter of life, before a matter of life's amenities," and he has some sly digs at those whose advocacy of Planning has been upon the sentimental side and neglected the root of economics. The practical planner who has himself taken part in early propaganda work will appreciate the truth of his hints in this direction. There is a great difference between the popular lecture on the creation of a new heaven on a new earth by means of planning schemes and facing the Local Authority and a Ministry of Health Inspector when submitting a map and scheme.

When so much attention is being given to the problem of national planning that evidence is being collected on the subject of the location of industries, it is interesting to get the views of so experienced a writer on this phase. Sir Gwilym sets out the arguments against national planning with its resultant diminution of local and national interests, and he utters a warning against committing Planning into the hands of the State, lest the State, working on too big a scale and with too wide a machine, is unable to change effectively when change is necessary. At the same time he emphasizes that the central Government must in the future play a much larger part in Planning than is now done, particularly in regard to its intelligence service.

As to the planning authority, there is a short but helpful chapter as to what should be the unit of a scheme. There is no doubt that many of the rural planning authorities have not the proper machinery, nor the adequate vision to prepare a really working scheme, and that in many cases it would be better that the County should take a bigger hand, or that the County should be split up into regions having like characteristics, and that these regions should prepare the master plan, leaving the details to be settled by the more intimate local knowledge.

The re-planning of developed areas is one of the problems from which many Planners shrink at the moment, not because the task is impossible, nor because it would not be easy in practically any town in the country to provide, without destroying what is worth keeping, better means of access and better conditions of living, but because everybody is afraid of the bugbear of compensation. Again

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Sir Gwilym rubs home the point that property in the bulk will not suffer in re-development schemes, as values are not lessened, but only shifted, and that, therefore, some method must be found for safeguarding the public on this issue. The Plan, however, must be prepared so that when opportunity arises it may be put into execution.

Dealing with "Dispatch in the Preparation of Schemes" there are some most interesting suggestions. Those that first claim attention are where he pleads for the wiping away of those absurdities which were added to the 1932 Act through the insensate opposition of a few people in a Parliamentary Committee: those people have a lot to answer for in the delays of many planning schemes and the failure of others. Quite a new suggestion is put forward as to the assistance which could be given by the Ministry of Health in the preparation of Schemes. He points out "that a great wealth of experience comes to the Ministry of Health and its officials, and that the latter constitute a college of learning and practice. There can be little doubt that although a good deal is now done in an informal way, progress would be facilitated if this learning and experience could be placed more at the disposal of Authorities."

The author suggests that to avoid the inconsistency of allowing officers to advise upon the preparation of a Scheme which may come before them later in a judicial capacity, there should be a separate staff at the Ministry for the giving of advice.

The sacred word "amenities" is faithfully dealt with, and may be summed up in one quotation—"A generation which cannot produce beautiful things scarcely deserves beautiful things preserved for it." But really things are not so bad, nor the advocates of amenity so silly as the author seems to imply.

There are some practical hints about preservation of the coastline, with a plea for the exclusion of development within a specific distance from the sea. Seaboard authorities would do well to consider this proposal.

The trend of the book is perhaps well summed up in the following quotation—"Good planning must be securely planted on firm earth, and any planner, layman or expert, who cannot comply with this condition had better put up his shutters; he is but hindering improvements which can be effected, and, in the result, may rank with the stodgiest of reactionaries. Let him dream dreams by all means, but let him remember that, doing so, he is not a planner but an idealist—of whom there is abundant need, in their place and portion."

It is a book well worth reading; a book invaluable in the hands of those who are growing up to planning work. As one who has so often crossed swords with the author, I pay my tribute to the way

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in which he has dealt with the various sides of the subject, and the light he has shown on some of the dark ways. But I still feel after reading it, as I have so often done after hearing him speak, that he writes sometimes with his tongue in his cheek, and I can see the impish twinkle of his eyes when he has "dealt faithfully" with the "long-haired brigade." How often has not his attitude been that of the stern father to the punished son—"it hurts me more than it does you."

EWART G. CULPIN.

### The Special Areas

*Report of the Commissioners for the Special Areas in England and Wales for the year ended 30th September, 1937.* (H.M. Stationery Office.) 3s. 6d., postage extra.

*Report of the Commissioners for the Special Areas in Scotland for the period 7th July, 1936, to 31st August, 1937.* (H.M. Stationery Office.) 1s. 3d., postage extra.

BOTH Commissioners report an improvement in the condition of the Special Areas during the periods under review.

In the English areas, unemployment declined from 29.5 to 21.9, the chief improvement being in South Wales—the best rate being still, however, that for the North-East. The rate when the Special Areas Organisation was established (21st December, 1934) was 35.3. Every place in these Areas showed an improvement. At the beginning of the year there were six places with percentages over 50, 18 over 40, and 39 over 30. At the end none was over 43.5, only 5 over 40, and only 13 over 30.

In Scotland the rate fell from 21.7 to 17.7. At the end of 1934 it was 28.9.

Since the rate for Great Britain at the end of the English year was 10.6, the average in all Special Areas is still twice the national average. The Special Areas improved their relative position in the year, however, since at the beginning the rate for Great Britain was 12.3.

Transference continued, particularly in England, where it accounted for half the fall in numbers; and the English report shows that of 151,352 men unemployed in the Areas at 31st July, 1937, about half had been on the register for three years or more, and nearly a quarter for five years or more.

How far has the improvement been effected by the special measures? The English Commissioner admits that it is not easy to isolate the effect of such measures from the effects of general economic recovery, and of the armament programme (in which the Special Areas have been accorded considerable preference). He is satisfied, however, that after making due allowance for these general factors the special measures have had material effect. Moreover, "the

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greater part of the recovery in the Special Areas has with certain exceptions been independent of armament work."

The work and enterprise initiated by the special measures and machinery, specified in the report, must indeed have had some effect. It includes the successful trading estates, and some, but not many, new factories elsewhere. Four million pounds has been spent in the Areas out of the Treasury Fund, and the commitments now amount to thirteen million.

The fundamental question is whether the special measures will prove adequate, particularly if slump ensues, or when the armament programme abates. The fairest answer is that of the Commissioners. Granted that the essential policy is "to bring work to the workless," it is yet too soon to assess the potentialities of existing measures. Such a policy is a long-term policy. None of the measures has been operative for more than four years: the most fundamental have hardly been operating nine months.

In retrospect it seems extraordinary that until 1934 it could have been thought that natural recovery, natural industrial trends, or even existing organs and agencies, could so converge as to solve the Special Area problem; and that even a hopeful experiment like that of the trading estates, so conspicuously in harmony with the needs and calculations of the industrial entrepreneur, should not hitherto have been tried. Yet for most of the years before 1934, none of the weightiest influences in the State was impressed by the necessity for *ad hoc* measures and machinery. After three years' work the present English Commissioner's predecessor convinced responsible opinion that more was needed than machinery. The amending Act of 1937 provided new measures, based on financial inducement by the State to the establishment of new industry. These cannot have had much scope, nor can their value be assessed, in nine months. They can be judged more fairly and easily in the report for next year, not this.

The fundamental policy need not displace other methods of inroad upon the composite Special Area problem. The Commissioners continue to foster the social measures, and the large variety of minor economic measures and experiments which provide "sub-economic employment."

Public works appear to be developing on a considerable scale. These are of major importance. They maintain human standards, provide some employment, and (not least important) establish or maintain the essential environment which industry needs and which must be provided if new industry is to be induced to settle.

The English Commissioner considers the machinery of local government to be slow in relation to large new schemes. It must be remembered that authorities in these Areas are overtaking immense

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arrears, with resources and staff only recently made adequate; and that schemes for public works nearly all involve technical problems which take time to work out (as the Commissioner himself elsewhere acknowledges in respect of schemes within his own responsibility). May it also be suggested that the Commissioner will find the speediest organ of local government to be the large urban authorities of a type which the Tyneside Commission recently proposed to disintegrate?

The Commissioner for Scotland suggests no new fundamental measures—unless we can so classify his suggestion that the financial inducements to new undertakings should be extended to existing undertakings “which are willing but otherwise unable to expand.” His attitude is doubtless governed by his impression, no doubt largely correct, that conditions in the Scottish areas are less severe, and that in Scotland there are no places which can be described as derelict.

The English Commissioner strongly suggests (pages 12 and 13) that the Special Areas problem can receive no final solution, and that no guarantee can be found against the emergence of such Areas in future, until the Government undertakes some measure of control over industrial location. The question is the more important if, as he says on page 1, “the conditions in the Special Areas present, in an acute form, problems that await solution in all parts of the country.” He welcomes the recent recommendations of the Import Duties Advisory Committee in relation to the Iron and Steel Industry as a recognition “that matters which concern the welfare of many thousands of our fellow-citizens are properly to be considered in relation to their broad social and economic consequences as well as the profit and loss account of the individual concern”; adding that “if this principle had been recognised 15 years earlier the Special Areas might not have presented so acute a problem.”

The Commissioners deserve thanks for interesting reports, as well as thanks for their substantial labours. The Scottish Report, though a noticeable model of logical arrangement, is on the whole rather less interesting than the English Report—which, though less elegant in form and style, is more informative, more explorative, more meditative—and in consequence much more of a social document.

J. H. WARREN.

## Anthropology and Colonial Administration

*Native Administration in Nigeria.* By MARGERY PERHAM. (Humphrey Milford, Oxford University Press.) 17s. 6d.

MISS PERHAM has made a notable addition to the study of Colonial Administration which may prove to be a landmark in crystallising sound thinking on Colonial problems. Studies of this



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kind, the fruit of patient research and an open mind, are all too rare. Colonial administration is too often the object of heated controversy and propaganda. Miss Perham has been careful to express her observations and conclusions with disarming diffidence and manages to steer her course between Right and Left without treading on anyone's corns. Here for instance is her way of introducing her criticisms of British administration of Nigeria:—

Critics of our African administration who have read so far will accuse me of complacency and of accepting the achievements of the Nigerian administrators at their own valuation. My reply is that hitherto in this chapter I have been considering Nigeria against the background of other administrations, British and foreign. I agree that by other and higher standards a very different judgment would result. But at what height shall we fix this arbitrary standard? We might choose to set it in accordance with the demands of an anthropological expert who is fully informed of the disintegrating effects of our influence, or with the highest Christian ethics, or with a synthesis of the two if, indeed, they could be harmonised. The resultant criticisms would be sweeping, and they might be of great value. Again, our entire imperialist system could be condemned partly by Socialist, and wholly by Communist, doctrines, and many of the arguments would be incontestable. My own criticisms will, however, be limited in range by acceptance of our present imperial and economic structure, and I shall merely consider how far the Nigerian system falls short of the high standards set for it by its own leading administrators.

By these standards the book is a vindication of the policy of indirect rule and a tribute to the three Colonial Governors—Lord Lugard, Sir Hugh Clifford and Sir Donald Cameron—to whose creative leadership its success is mainly due. On the other hand the author does not shirk frank discussion of mistakes and shortcomings due to weaknesses in the human agencies, European and African, through which the system is operated. Even the unduly pessimistic picture drawn by Mr. W. R. Crocker of his short career as an Administrative Officer in Nigeria<sup>1</sup> is treated with respect as an important contribution to the subject. She agrees with Mr. Crocker that the temporary nature of the officer's service in any district tends to have a deadening influence on interest and initiative, encourages unreality and superficiality, and ministers to the primitive idols of precedent and routine or the still more illusory fetish of "quick results on paper."

The part played by the personal factor in public administration is of overwhelming importance, and is ably and tactfully handled by the author. She writes:—

The tasks of a governor are many and varied, and the man who obtains this promotion is not always the one gifted with the imagination and sympathy to handle the all-important political issues. In the intervals between those constructive periods which only an able governor can initiate, the best hope

<sup>1</sup> Reviewed in *PUBLIC ADMINISTRATION*, July, 1936.

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is that the Administration will be maintained in a reasonably healthy condition. The only guarantee for this lies in the character of the men in the Colonial Service who are put to a severer test, because of the greater isolation and irresponsibility in which they work, than the men in any home service. The best, therefore, that the country can produce would not be too good for the Colonial Service.

Of Lord Lugard's gifts as an administrator the author emphasises his capacity for rapid and decisive action, his power to formulate general principles and the industry to work them out to the smallest detail. "Industry alone was half the secret of his success." Combined with this was his inspiring leadership which, in the words of his successor, Sir P. Girouard, "created a spirit of devotion to duty and an *esprit de corps* which obtained in no other British Colony."

Of Sir Donald Cameron's work Miss Perham says:—

There is, however, a quality in Sir Donald's administration which neither quotation, nor the documents themselves, can wholly convey. It is a compound of realism and humanity which he is able to communicate to the Administration. The circumstances of an African Government are such that it is always in danger of getting a little out of touch with realities, of allowing, as it were, a crust to settle upon the system. The danger is all the greater when the system has been an exceptionally good one. Sir Donald has produced a psychological effect hard to define, in which the crust has been broken and a spirit of self-criticism and of interest in new ideas has been induced. It is a convention of our trusteeship, at least where there is no competing element, that the interest of the natives should be paramount. Sir Donald's work appears to be coloured not by a convention but by a vivid realisation of the humanity, individually and in groups, of the people he governs. He has reminded the administrative staff that the test of good administration in its acceptability to the ordinary peasant and its efficacy in his service.

Another remarkable trait for an administrator is that "he shows an unusual fondness for public criticism." This has enabled him to gain the interest and support of educated natives for his policy—a point of great importance for the future of the Colony.

Closely linked with the author's interest in the psychology of the white rulers is her sympathetic approach to an understanding of the native mind. Indeed her chief plea is for more light on native customs and institutions which only the trained anthropologist can give.

In a brief historical sketch Miss Perham traces the occupation first of the South-West with its now flourishing port of Lagos; next of the South-East and its vast interior inhabited by pagan tribes; and lastly of the Northern Provinces with their relatively advanced Moslem Emirates. The development of indirect rule started in the Moslem North and was gradually extended to pagan tribes. The chief instrument in the system is now the Native Treasury, which gives the native organs of self-government an interest in the collection of

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taxes and a fairly wide discretion in the expenditure of part at least of the proceeds.

The greater part of the book consists of detailed descriptions of native social organisation and the machinery of administration as they exist to-day. The chief feature that emerges is the immense variety and range of the standards of culture and educability among these twenty million people. The administrative unit varies from a modern municipality of 120,000 to a small tribe or family group of 250, and the term "natives" includes Oxford graduates, Moslem sultans and primitive bushmen.

Miss Perham steers her course through this maze of cultural and racial diversity with a sure hand, and many fascinating stories are told by the way, such as that of the Aba riots, when the women rose in revolt against white and native officials. But through it all runs the guiding thread of a policy based on tutelage rather than exploitation and the gradual emergence of a new and stable member of the African society of nations.

E. M. H. LLOYD.

## Kapitalbildung

By Dr. JACOB MARSCHAK and Dr. W. LEDERER. (W. Hodge & Co.) 12s. 6d.

THIS is a publication, by an English firm, of the German text of a work of international importance, the fruit of many years' arduous labour by Drs. Marschak and Lederer. It is a work of tremendous scope and value, both statistically and theoretically; its subject is nothing less than the complete statistics of capital accumulation for the six principal countries of the world, viz., America, Britain, Germany, France, Holland and Switzerland. The statistics are compiled, first of all of the accumulation of money capital, and secondly, of the production of capital goods—which two figures are capable of being checked up against each other. Investigations have been made on a systematic basis for each of the countries concerned. Where gaps existed—and they were numerous—original figures for the different countries have been re-examined, and the gaps repaired with truly German care, ingenuity and thoroughness. It is a sad commentary on Germany's loss of her best intellectual blood, that of the two authors, Dr. Marschak is now an exile in Oxford, and Dr. Lederer in New York, both holding high teaching positions.

This compact and brilliant book of statistical investigation is accompanied by a theoretical commentary, which as a reviewer I am not so much in a position to judge, but which has also been well received.

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The first important result which the authors obtained, shows that in each country examined, the proportion of national income saved during the period 1925-30 was less than it had been in 1913. In Britain, this tendency was continuous. During recent years we have had the paradox of real national income per head and general prosperity increasing more rapidly than at any previous period, while the requirements of industry for new capital were at an exceedingly low level. The efficient modern industrialist seems to be in a position to provide all his new plant out of his replacement and depreciation funds and does not even have to use any large part of his undistributed profits, which are often devoted to buying securities in the market. The principal sources of demand for new capital at the present time are not industrial at all, but are to be found in the demand for new houses and for public utility and municipal expenditure of various kinds.

The period of which Marschak and Lederer wrote, viz., 1925-30, was a transitional period, but showed many of the tendencies which are important in the modern world.

One of the most interesting features (to select but one), which is found in all the countries, is the overwhelming importance of the building industry as an outlet for new capital. Expenditure on industrial plant and machinery, ships, and other investments outside the sphere of building, is relatively small in every case. In the U.S.A., in 1929, gross investment (*i.e.*, including depreciation and maintenance), was \$22 milliard, of which 14 milliard was in building construction. Gross investment in Germany was 13 milliard marks in the same year, of which nearly 9 milliard was accounted for by building. In France, for 1929-30, the average net investment was 20 milliard francs, and the net value of building output, 12 milliard; while in Holland, gross investment was 1,286 million florins, of which 670 million was in building and public works.

Economics now tells us that the activity of the investment trades is the dynamic determinant of the activity of the economic system as a whole. In every country, building and public works represent a large and increasing proportion of the total of investment outlets. The building and public works industries, in sickness and in health, deserve more attention from the public than they are now receiving.

C. C.

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### Wages, Cost of Living and Natural Income in Sweden, 1860-1930

By LINDAHL, DALGREN and KOCH. Vol. III, Part I, viii + 319; Part II, xix + 631. (Institute for Social Sciences, University of Stockholm; P. S. King & Son, London.)

THESE two volumes are the third instalment of the great work undertaken by the Institute for Social Sciences of the University of Stockholm. The first volume dealt with the cost of living, the two parts of the second with wages, and these two books are concerned with the national income. This ambitious project, which was assisted by the Rockefeller Foundation, is of more than local interest; economists all over the world will be grateful for the work, and not a little envious. For the results not only illuminate the course and process of the industrialisation of Sweden, but provide a great body of material which can be considered in the light of modern theories on the trade cycle and other matters.

The estimates of the national income are arrived at by summing the net incomes of the different industries, *i.e.*, by calculating the total production of each industry, and deducting the value of services rendered to each of them by other industries. By this method relative changes in the composition of production are estimated, and a valuable chart (Part I, page 243) shows how the curve of net income of agriculture, which in the earlier part of the period was the major industry, crosses and falls below that of manufacturing, mining, etc., shortly after 1900. The authors divide production into durable and non-durable producers' and consumers' goods, and give estimates of the production of these categories for each of the seventy years of the period. Similar estimates are given for the variations of building and construction, and of investments in machinery and equipment for manufacturing industries. In the course of the work many difficult statistical problems are tackled; for example, the services of transport had to be allocated to the different industries, and estimates made of annual services rendered by durable consumers' goods. Many of the production and income estimates are calculated per head of the population of the industrially productive ages, both in current prices and in stable value of money. The authors conclude that the annual increase of the income per head in stable value of money was  $2\frac{1}{2}$  per cent. in the period 1896-1913, and  $3\frac{1}{8}$  per cent. in the period 1922-1930.

A valuable section of Part I shows the growth and direction of investment in buildings and construction, in machinery and equipment of manufacturing industries, and in other durable goods. The chart

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on page 256 exhibits clearly the great sensitivity of this second category, and its close connection with cyclical fluctuations of trade. Other charts show the rise of productivity per head, and its relation to increasing capital equipment per head. A study of the balance of payments shows how far the industrialisation of Sweden was financed by capital imports, and indicates the periods at which it was able not only to finance its mechanisation, but itself to export capital.

These illustrations of the course and nature of the argument are perhaps sufficient to indicate the scope and magnitude of the work. The authors are at pains to point out the defects of their statistical material, and to indicate where precise calculation merges into rough estimate. The volumes are an admirable example of difficult statistical work undertaken by authors with a clear understanding of the issues of economic theory which are involved in the study; they have put their results into the form most likely to throw light on modern trade-cycle theory. To have provided annual estimates of the amount and direction of investment for so long a period, even with the margin of error involved, is a remarkable achievement. The contributions of Sweden both to economic theory and to public economic policy during the last quarter of a century has been a most remarkable one, and this book is not the least important of its efforts. After so much labour has gone to the making of these and the earlier volumes of the series, it seems ungrateful to ask for more. But to master the contents and methods of these volumes, with several hundred tables, is not an easy task, though it is a very profitable one. The work as a whole is important enough to justify a special summary volume, which by omitting the discussions on points of statistical technique, essential in the main work, would provide a wider class of readers and students with the principal results and indicate their significance.

P. FORD.



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**Government Statistics.** A Report of the Committee on Government Statistics and Information Services. Social Science Research Council Bulletin No. 26. (New York, 1937.)

THIS is a document of unusual parentage. It results from an unofficial Committee sponsored by the American Statistical Association and the Social Science Research Council "on the basis of an understanding with the secretaries of the Federal Departments concerned" sufficiently cordial to provide office accommodation in three Federal Department buildings in Washington for nearly two years.

The resulting report is commendably short, surveying the main problems of organisation, collection and tabulation, standards and practices and personnel under twenty main paragraphs which are themselves the Committee's recommendations.

In a country like the U.S.A. even more than in Great Britain the primary need is co-ordination between statistical departments. Eschewing central control, the Committee recommends vigorous leadership of a co-operative and advisory character. Ways and means of securing this desirable state of affairs are indicated in the course of the report, but the Committee is able to pass the buck to some extent to the recently created Central Statistical Board (1933). From the first annual report of this Board (Government Printing Office, 1935) it is apparent that the U.S.A. has an energetic and effective central organisation for such purposes, although the Act of Congress by which it was authorised in 1935 limits its life to five years.

The report as a whole is a most interesting document. Among the subjects discussed are State services for consumers, the need for long-range research by the Federal Government, the development of free relations with outside statistical sources and authorities, staff problems and the valuable unpublished data in the Government statistical departments.

F. R. C.

**The Philosophy of Fascism. The Fascist, his State and his Mind.** By E. B. Ashton. Pp. xiv. + 303. (Putnam, 1937.) 8s. 6d.

FASCISM, says Mr. Ashton, is the natural political organisation for nations inclined towards collectivism rather than individualism. For historical reasons, notably their late acquisition of national unity, he considers Germany and Italy to exhibit a marked collectivist character. Although he is careful to point out that Fascism, while it may be right for these countries is not necessarily good for them, and although he is concerned to defend democracy, he contends that stripped of irrelevancies (among which are included brutality, graft and party favouritism), Fascism is a new and powerful political expression of collective feeling in which the State is everything and the individual nothing.

To provide Fascism with a philosophy explaining its abolition of the distinction between public and private life and with the outlines of a jurisprudence according to which law becomes a means of regulating the people's function of serving the State, is the main purpose of the book.

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How far Mr. Ashton succeeds in this task will be variously assessed. It will be a disagreeable doctrine, for instance, to those who believe with Professor R. A. Brady that the Nazi régime is "a dictatorship of monopoly capitalism" (*Spirit and Structure of German Fascism*, p. 33), for Mr. Ashton dismisses such an interpretation not only as superficial but as an incorrect view of Fascist economic policy. The endeavour to discriminate between Fascism and Absolutism, which Mr. Ashton declares to be "world-wide," also leads him into difficulties exemplified by a phrase such as "the collective will proclaimed from above" (p. 116), which he refers to as "metaphysical" but which democrats will probably instinctively qualify as nonsense. It is a pity that Mr. Ashton has not found it possible to link the new Fascist doctrines with their antecedents, particularly in German thought. This is a task which he seems eminently qualified to perform.

However, the plain fact that Fascism is unquestionably accepted with the popularity of a new religion by the vast majority of German and Italian people makes it at least an open question whether Mr. Ashton's analysis may not after all be substantially correct. The contrary opinion which would regard any formulation of a "philosophy of Fascism" as merely a rationalization to give respectability to a régime founded by the methods of gangsters and consolidated by successful propaganda is ruled out by implication and referred to by Mr. Ashton as pseudo-Fascism. It is this latter article and not the real thing which misleads frightened democrats in other countries. There can, for instance, be no question of a genuine Fascism in the U.S.A., Great Britain, France, Spain, and in many other countries, because the collectivist mentality, on which alone it can be founded, is not available.

Although the chapter on the Administrative Structure of Fascism says very little about public administration as it is ordinarily understood and although the book is somewhat loosely put together and is not free from repetition, it contains some shrewd comments and is well worth reading.

F. R. C.

**Research Memorandum on Social Aspects of Relief Policies in the Depression.** By R. Clyde White and Mary K. White. Bulletin No. 38. \$1.

**Research Memorandum on Social Work in the Depression.** By F. Stuart Chapin and Stuart A. Queen. Bulletin No. 39. (Social Science Research Council, 1937.) \$1

THE United States is remarkable for the powerful research foundations which exist independently of Government and University activities. The two monographs noted above form part of a comprehensive series designed rather to promote further research in the fields selected than to produce summary histories of what has actually occurred. As such, they should be stimulating to research students and do much to guide future thought on the subject along scientific lines.

F. R. C.

**Political Behaviour. Studies in Election Statistics.** By Herbert Tingsten, Professor of Political Science in the University of Stockholm. Pp. 231. (P. S. King, 1937.) 9s.

THE application of statistical methods to the study of politics which, it will be remembered, Graham Wallas was one of the first to advocate, has made singularly little progress in this country. In the United States of America it has been taken up more enthusiastically, but the advances made have unfortunately not been very significant. To the extent to which it forms part of the general problem of the statistical assessment of human personality, motives and behaviour, it is of course a subject upon which political theorists still await a lead from psychology.

A serious deficiency is the absence of adequate statistical sources. This deficiency is perhaps least noticeable in the sphere of electoral statistics and in

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the process of legislation. Professor Tingsten has chosen the former field and in this notable addition to the series of Stockholm Economic Studies, some of which have already been noticed in *PUBLIC ADMINISTRATION*, he subjects to analysis statistics gathered from several countries (Sweden, Norway, Finland, Estonia, Germany, Austria, Australia, New Zealand and others).

He seeks to appraise the influence of sex, age and social status in the election returns and also to show the effect of making voting compulsory.

The conclusions of the study, as it not infrequently happens in statistical investigations of well-known social phenomena, are in fairly close accord with the doctrines and expectations of "prudential" social psychology. Although, therefore, no startling new principles emerge as a result of Professor Tingsten's study, gratitude to him should not be lessened on that account, for not only has he got together some very interesting material, but he has handled it with scientific precision and skill. It is to be hoped that his example may find imitators and particularly that the problem of social status as a determinant of political behaviour may receive at his hands the further treatment which he hopes to give it.

F. R. C.

**Crown, People and Parliament. 1760-1935.** By W. Edwards, M.A. Pp. 256. (Arrow-smith, 1937.) 8s. 6d.

A USEFUL survey "for the layman" of the main features of British constitutional development in the last century and a half. The book should, as the author hopes, prove helpful to scholars in the upper forms of schools specialising in history. A serious deficiency which should be remedied in future editions is the absence of any discussion of the administrative functions of the modern State undertaken by the Civil Service in the central government departments. The brief reference to the problem of delegated legislation is inadequate. To write now, so long after the publication of the Report on Ministers' Powers, that "The authority of the Commons has been seriously weakened by the development of departmental legislation" (p. 181), is to give a misleading and inaccurate account of the question.

F. R. C.

**Organising a Sales Office.** (Second Edition.) By L. Urwick, E. Aston and F. H. Cordukes, with a Supplementary Chapter by C. H. Tucker. Pp. 181. (Pitmans.) 10s. 6d.

To readers of these pages Major Urwick's name stands for few words invested with much meaning. Mr. Aston is Sales Office Manager and Mr. Cordukes is Office Manager with Messrs. Rowntree & Co., Ltd., while Mr. Tucker is Manager of the Office Machinery Section, Imperial Tobacco Co., Ltd.

Between them they have presented an interesting study of a subject which is infinitely dreary at the hands of most writers. The principles are brought out by a description of the introduction of a unified sales organisation at Messrs. Rowntree's York factories. The description is gripping at times and problems emerge which are of wide and deep administrative interest. The chapter on "The Staffing Problem," for instance, has some valuable illustrations of objective efficiency ratings. The problem of displacement of office labour by machinery is described with a rare regard for the human anxiety involved.

The chapter on "General Principles" raises the question of the Chief Accountant's function in relation to other sections of a business. Strangely enough, the authors do not mention, as an explanation of the traditional prejudices on this question, the belief, inculcated by most text books and tutorial bodies,

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that the accountant's attitude must be conditioned mainly by his function as a detective.

Although the illustrations are drawn from chocolate and tobacco sales organisations they are capable of much wider application.

Local government departments, non-trading as well as trading, could learn much about office lay-out, environment and machinery from this book.

These subjects are illustrated by excellent photographs and charts.

It is a matter for regret that the title of the book is such as to cause persons who might profit greatly therefrom to pass it by as being of limited utility. A book which contains a passage such as that which follows should be read by every administrator.

"At present far too little attention is paid to the structure of business organisation, as opposed to concentration on details of equipment, forms, procedures, and so on. The authors' knowledge of other offices, particularly in the wholesale trade, and their acquaintance as customers with the accounting work of a large number of retail undertakings, convince them that the advantage of allocating definite responsibility to one clerk for all relations with each customer is not as yet sufficiently appreciated. Correct personal relations are lost in a maze of 'systems' which mechanise dealings with the customer and multiply errors, while at the same time they dissipate all sense of individual responsibility and interest in his or her task on the part of the clerical employee."

J. S. C.

**Committee on Scottish Administration.** (Report Cmd. 5563, H.M. Stationery Office.) 1s. 6d. In recent years continued expression of national sentiment has brought into prominence the question of the Government of Scotland. A demand for Home Rule for Scotland has been partially met by a greater concentration of departmental work in Edinburgh instead of London. Typical examples of this are extensive transfers of personnel carried out by the Scottish Office and by the Scottish Education Department. It is said that over 90 per cent. of Scottish administrative work is carried on nowadays in Scotland. Concurrently with the transfer of work, the Government recognised the need for adequate housing of the Scottish departments, and a building for this purpose is being erected on the Calton Hill in Edinburgh.

Concentration of work in the Scottish Capital, however satisfying this may have been to national sentiment, inevitably created new problems, the solving of some of which was deputed to a Committee appointed by the Secretary of State for Scotland and presided over by Sir John Gilmour, a former Secretary. The Committee have made an exhaustive review of the existing situation. They point out that the Secretary of State for Scotland is responsible for a comprehensive administration. "Broadly speaking," says the Committee's Report, "and with some exceptions, he exercises, so far as Scotland is concerned, all the functions which in England and Wales are discharged by the Home Secretary, by the Minister of Agriculture and Fisheries, by the Minister of Health, and by the President of the Board of Education. He has, in addition, duties corresponding to some of those of the Minister of Labour and the Lord Chancellor. Properly viewed, he is really a Minister with four or more portfolios, controlling a corresponding number of offices." Not only is the range of duties of the Secretary wide, but it must be remembered that London, the principal seat of Government, is nearly 400 miles from Edinburgh.

In view of the desire expressed so strongly in Scotland the Committee agree that "the aim should be to conduct the day-to-day administration from Edinburgh, leaving the London Office in the main, a Parliamentary and Liaison Office."

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All the proposals of the Committee are made keeping in view the end referred to. And these proposals are far-reaching. They include—

- “(a) The functions of the Department of Agriculture for Scotland, the Department of Health for Scotland and the Prisons Department for Scotland should be vested by legislation in the Secretary of State instead of in the Departments (paragraph 42).
- “(b) The Scottish Education Department should cease to be a Committee of the Privy Council and its functions should be transferred, as in the case of the other Departments, to the Secretary of State (paragraph 43).
- “(c) The office of Secretary of State should in future be discharged by four separate main Departments of equal status to be called: the Department of Agriculture for Scotland, the Scottish Education Department, the Department of Health for Scotland and the Scottish Home Department (paragraph 47).”

Each of these main departments—and it should be noted that the Scottish Home Department is a new creation—is to have a Permanent Secretary who is to be responsible to the Secretary of State.

As to the Secretary of State—

“In these circumstances it is by no means impossible that the different Departments may give to the Minister advice tending in inconsistent directions. A Minister who is exposed to advice from four different quarters is entitled to ask that the administrative machine should be so constructed as to provide him with someone to whom he can turn for counsel, when his difficulties arise from the fact that he is a ‘multiple-Minister’.”

The Committee conclude that—

“There is a strong, and indeed in our mind an unassailable, case for providing the Minister with an adviser of high rank, other than the four Secretaries of the Departments.”

And so we are to have a Permanent Secretary to the Secretary of State for Scotland who is to be in London at the Minister's right hand, and is to be of higher rank than the departmental heads already referred to.

Further reorganisation implies that the functions of the Prisons Department should be discharged by the Scottish Home Department. The Registrar-General is to become an officer of the Department of Health. Fisheries administration is to be entrusted to the Fisheries Division of the Scottish Home Department. The General Board of Control is to be strengthened, the staff being regarded as on the establishment of the Department of Health. The duties of the Scottish Office in regard to Lunacy and Mental Deficiency are to be transferred to the Department of Health. As to detailed organisation, it is worth while mentioning that each of the four major departments should have its own liaison staff in London. The staff of these departments is to be borne on separate establishment. There is to be, however, a common typing branch and a common service of messengers.

Communications between London and Edinburgh are to be provided for by means of a Teleprinter circuit between Dover House and the new Government Building in Edinburgh.

Co-ordination calls for regular meetings of the Heads of Departments under the chairmanship of the Permanent Secretary to the Secretary of State.

It is hardly possible in the brief space available to do justice to this Committee's report, but it will be interesting to observe how the arrangements for

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concentrating administration in Edinburgh will work out. The new Government Building on Calton Hill is gradually rising to the skies, and until the new administrative home is completed, Scotland must needs wait for that complete reorganisation which the Committee's report envisages.

J. D. I.

**Revue Internationale des Sciences Administratives.** 10me Annee, No. 3, July, August and September, 1937.

THE introduction of this review to the readers of PUBLIC ADMINISTRATION is made easy by the fact that it contains two contributions of particular interest to British public servants. The first is a translation of the article by Mr. F. E. Barraclough on "Administrative Justice" which appeared in PUBLIC ADMINISTRATION of April, 1937. In this article Mr. Barraclough seeks to show that the administrative service should be looked upon as the best agency to make up what is lacking in the legislature by being permitted to exercise judicial functions. That there is a place for Administrative Courts in British political science cannot now be denied; on the other hand a continental bureaucracy which seeks to subordinate the individual to the State is not favoured in democratic communities. Mr. Barraclough shows how a system of administrative justice such as is in force on the Continent may be kept free from the evils into which it is believed by some that the continental system has fallen. The time has now come, he suggests, for the administrative service to show that it can reproduce the spirit and disposition of the judiciary in its approach to the task of solving the community's problems. Mr. Barraclough has, however, not completely satisfied all his readers that the distinction between the administrative justice he advocates and the "droit administratif" of France is so real as he suggests. Nevertheless the translation will have served a useful purpose if it makes clear that the element of impartiality may with advantage be applied to the settlement of disputes involving the administration of the laws of the land.

The inquiry into the recruitment and improvement (perfectionnement) of the administrative class, which is the other contribution of interest in the *Revue*, may be taken as an example of the advantages an international study of public administration affords. This inquiry is the outcome of discussions at the Conferences of the Institut International des Sciences Administratives, held in 1936 at Zurich, Berlin and Warsaw, and is made at the specific request of the Belgian and United States representatives. A questionnaire was addressed to all national units asking—

- (a) whether a name is given to a separate "administrative class" in the Civil Service and whether this class is clearly distinguished from the lower grades;
- (b) how the higher grade is recruited;
- (c) whether a probationary period is made a feature of appointment; and
- (d) whether it is necessary for entrants to pass any further test after such a period of probation is completed before definite admission to the grade.

In all, thirteen countries have replied to the questionnaire; these replies make it clear that there is no uniformity of method of recruitment to the Civil Service of the countries concerned. In the majority of countries, in fact, the conception of an administrative class does not exist, and where, as for instance in Belgium, Italy, the Low Countries and Switzerland, there is a senior category in the administrative hierarchy, it contains the chief technical experts acting as such and may not therefore be described in the British sense as an administrative class. The



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rules as to probationary periods are equally various; the efforts of the Belgian authorities in this connection are worthy of attention, though perhaps they are more applicable so far as Great Britain is concerned to the recruitment of local government officers, for whom technical knowledge of some degree is as a rule indispensable. Perhaps the best all-round system is that outlined in the German statement, though it lacks the impartiality which is associated with the administrative service in Great Britain since all candidates for national government service must be enthusiastic as regards national socialist ideals and have rendered service in connection with the various national-socialist organisations; on the other hand very high qualifications are called for in addition and candidates must have attained the age of 27 years before they can be appointed as permanent officials. The replies are now available as a separate document obtainable from the Institut International des Sciences Administratives.

The remainder of the *Revue*, except for a short report on "Le Statut des Fonctionnaires" of Belgium, by M. Lespes, is taken up with notes on current ideas and facts gleaned from the latest publications and journals of the world.

A. W. P.

**Revue Internationale des Sciences Administratives.** 10<sup>me</sup> Année, No. 4, October, November and December, 1937.

THE keynote of this issue is a plea for uniformity and co-operation. The first contribution contains recommendations by the "Office international de Chimie" concerning the preparation, presentation and publication of articles in periodicals with a view to establishing an international arrangement for their documentation. Detailed rules are set out in these recommendations as to the form of abbreviations, the compilation of bibliographies, the lay-out of the articles, and the relation of editor to author in controlling reproductions, etc. Some of the passages read rather like a lesson in composition and others like printers' instructions, but taken as a whole it is a useful guide to the preparation of articles for publication and if adopted universally would undoubtedly assist those bodies which undertake the preparation of international bibliographies.

Second, a statement by MM. Lesoir and Warnotte *à propos* the organisation of international congresses is submitted. This statement faces up to the fact that such congresses are often nothing more than a waste of time and effort. The problem is considered from four points of view, and proposals are made which would, it is suggested, guide such congresses into more definite channels and result in their serving a useful purpose. The programmes should be clearly defined and the initial contributions available for distribution before the congress meets; the reports and deliberations should follow the lines of Parliamentary debates; the conclusions arrived at in the debates should be clearly defined, if necessary, by the taking of a vote; and accounts of the congresses should omit references to banquets and similar functions which only have the effect of inundating the important discussions with useless verbiage and which tend in consequence to give the reports a reputation for mediocrity. The statement claims to be merely a basis for discussion and the authors feel that, despite the irony of the words, a congress to consider the proper organisation of congresses would not be out of place.

Finally, a summary of the proceedings of a meeting of international associations held in Paris last July sets out methods whereby co-operation may be achieved between the principal international associations by the exchange of publications and bibliographies, pooling of facilities for research and the possibility

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of co-ordinating conferences and congresses. The fact that a concrete suggestion by Sir Gwilym Gibbon, supported by Mr. Menahan of Cork, that the number of publications should be restricted was not warmly supported and the reason therefor indicate the difficulty of obtaining international agreement in these matters generally. For this reason the concluding paragraphs of this summary may be applied equally to all three articles in this issue and justify reproduction in general terms. The ideas, it is stated, have been launched, and whether they develop rapidly or slowly, in whole or in part, the fact remains that international associations have a great part to play. In these days when the popularity of political organisations of international collaboration is on the decline, the effort of international co-operation should proceed on a scientific plan, and in this way contribute toward the peace of the world.

It is not possible to leave this issue of the *Revue* without a reference to the criticisms which appear from a book by M. F. Heyer of Germany on the English administrative system. To M. Heyer our system seems illogical, for in our universities candidates for the administrative class need learn nothing of administrative law nor of the science of administration, though when appointed they are expected to become specialists in these subjects. This is in sharp contrast to the German system as outlined in the preceding issue of the *Revue* in connection with the inquiry into the recruitment, etc., of the administrative class of the Civil Service. The new German administrative law is also the subject of some notes in this issue. Administrative jurisdiction in Great Britain is the subject of another note on a thesis by Dr. Silvio Otto van Poelje, in which the point is made that in the Netherlands the development of administrative jurisdiction has followed a course analogous to its English counterpart.

A. W. P.

### **The South African Journal of Economics.** Vol. 5, No. 3. September, 1937. 6s. net.

AN even greater proportion than usual of the Journal is taken up in the September issue by papers on various aspects of the gold situation. The Presidential address at the 1937 Annual General Meeting of the Economic Society of South Africa is devoted by Professor Leslie to a study of gold as a medium of exchange and to various proposals which have been made for the purpose of inducing certain countries, if not all the world, to re-establish a gold currency and to regulate their exchanges on a gold basis. He examines the causes of the general instability of exchanges in recent years and comes to the conclusion that there is little probability of the restoration of the gold standard.

Professor J. P. Dalton contributes a highly mathematical paper on taxation of gold-mining and the effect which taxation policy has in affecting the grade of ore which the industry can profitably use in its operations. Another paper touching the gold problem, though not dealing directly with it, is that by Mr. Landsberg on South Africa's imports of capital and the balance of payments in the years 1932 to 1936, while Mr. J. N. Reedman examines the question of exchange depreciation and the future of gold. His conclusion, based upon somewhat different data, is the same as Professor Leslie's. He sums it up by saying, "The longer countries stay off gold, and the more skilful they become in the management of their newly-discovered and much-admired exchange equalisation funds, the less easy it will be to persuade people to accept a full gold standard."

The other main articles are devoted to social questions. Miss Daphne Trevor contributes a very well-written paper on Native Provident Societies in French West Africa, in which she traces the history of these societies, founded by the

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Government for the purpose of protecting the native against his own improvidence and also from the activities of independent middlemen, and gives some account of the success which has attended the effort.

The issue also contains a reprint of the inaugural lecture delivered by Professor J. L. Gray at the Witwatersrand University on the 25th August, 1937, on the comparative sociology of South Africa. The paper attempts to show the special need for a study of sociological problems in South Africa in the light of the differences between the Union and other countries having a colour problem, but it ranges rather discursively and inconclusively over the claims of sociology to be ranked as a science and contains some surprisingly loose and inconsequent statements which might serve as useful ammunition for opponents of his thesis.

There are the usual extensive reviews of recent economic works and various notes and memoranda.

J. K

## Institute Notes and News

**An Unspoilt Lunch.**—The thanks of the Institute are due to Professor J. Donald Kingsley of Antioch College, U.S.A., who stepped into the breach when, owing to a mishap (fortunately not serious) to the aeroplane in which she was returning from Spain, Miss Ellen Wilkinson was unable to fulfil her engagement to give the address at the Institute Lunch in London on 9th December. Professor Kingsley's address on the "Civil Service in America" was much appreciated by the members who had assembled to hear another speaker. It is hoped that they will have the pleasure of hearing Miss Wilkinson on a future occasion.

**Co-ordinated Lectures.**—The excellent idea of co-ordinated lectures on public administration, which was originated in Edinburgh with a five-year plan (now in its third year), is being pursued also by the Central and North Yorkshire Group of the Institute. This group has arranged a series of lectures and discussions on the general subject of Regionalisation, with special reference to the report of the Tyneside Commission, and the first three meetings in the series have attracted considerable attention. The speakers have been Mr. Edgar Ashby, of the Tramways Department, Birmingham, Mr. A. L. Binns, West Riding Education Officer, and Mr. Lawrence Richmond, Public Assistance Officer of the West Riding.

**Summer Conference, 1938.**—Members are requested to note that, in response to a kind invitation from the Bristol Regional Group, it has been arranged to hold the next Summer Conference of the Institute at Bristol during the period 15th-18th July. The location will be the Wills College on Clifton Downs, a college which has the advantage of being able to accommodate both men and women. An excellent programme is in course of arrangement and this preliminary announcement is made in order that members may reserve the date. Those who know Bristol will not need to be told how suitable and attractive a place it is for such a Conference, while those who do not know the city, with its beautiful surroundings and its unique civic and historic interest, should welcome this inducement to visit it. It is by no means remote, trains from London taking only two hours to perform the journey.

**President's Visit to Australia.**—It is opportune that official business takes Sir Josiah Stamp to Australia during his first year as President of the Institute; and he will be able to make contact with at least one of the three Regional Groups of the Institute in the Commonwealth during his visit. Unfortunately, however, the visit must be a short one, with little time to spare outside the officially-arranged programme, and it may not be possible to fit in formal functions except at Sydney. The New South Wales Group is organising a dinner, to be held early in February, and a large attendance of public servants may be expected. The event will no doubt stimulate interest in the Institute in official circles, and will provide an interesting and welcome opportunity for the President to meet the members of this large and active Group. It is hoped that he may also find opportunity to see

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something of the Groups at Adelaide and Melbourne, but this depends on suitable gaps occurring in an exacting time-table. It is to be wished that more frequent opportunities occurred of cementing the cordial relations with colleagues in the Dominions by personal visit. Such visits are more often to London than from London, and it is gratifying that the present occasion has arisen for the President of the Institute to convey greetings to the distant members.

**Winter Conference.**—The attention of members is called to the particulars sent with the present number of the Journal (or in some cases by post) to the London Winter Conference, to be held on Saturday and Sunday, February 5th and 6th, at the Westminster City Hall. Provincial members who can arrange to spend the week-end in London and attend the Conference will be specially welcome. On the social side, there will be a dance at the Millicent Fawcett Hall, Westminster, on the Saturday evening, and an informal dinner will be arranged for those who find it convenient.

The Programme Committee has thought it well to arrange for discussion by the Institute of a group of administrative problems which have forced themselves into prominence in recent years and may be described under the general heading of "The Family and the State." The emergence of these problems is largely, of course, a result of the extension of the responsibilities and functions of Government into wider areas of the social life, and members of the public service, both central and local, must feel in an increasing degree the necessity of understanding the principles and methods of administration which are called for by the modern development, particularly in the field which it has become the practice to speak of as the social services. Members of the Institute are urged to attend the Conference themselves and to invite friends who are engaged in one or other of the social services as voluntary workers and who may be interested to see the problems from the angle of the public servant.

The papers are being distributed in proof form to members who indicate their intention to attend the Conference and they will be printed in the April number of the Journal.

**Developments Overseas.**—Besides the reports of normal activities on the part of the Australian Groups, we have received a report of steps which are being taken by the recently-formed Group of Southern Rhodesia to arrange a Conference for members of that Group. The Conference will take the form of a discussion of two or three papers which appeared some time ago in the Journal and which are regarded as of particular interest to public servants in Southern Rhodesia. This proposal to discuss earlier papers is commended to the attention of other Regional Groups: there must be much material in the volumes of the Journal which would pay for consideration by the newer members of the Institute, though such revival should not of course be allowed to hinder the presentation and discussion of fresh material, dealing with both the older and the more recent problems of the service.

We have also received an interesting account of the activities of the Institute of Public Affairs, recently established under the auspices of Dalhousie University, Halifax, Nova Scotia. Dr. L. Richter, who went to Dalhousie from Leeds University, England, has succeeded in creating a very live interest in the subject of Public Administration in the University and in the Maritime States, and the honours course which has been inaugurated is attracting a very encouraging number of students. The Institute of Public Affairs aims at definitely linking the University studies with the actualities of Government and Municipal operations, and a grant for research has been obtained from the Rockefeller Foundation. Half the governing body of the Institute consists of representatives of the

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Universities of the Maritime Provinces and Newfoundland, while the other members are appointed by the Government and the Municipal Unions, these last being associations analogous to the associations of local authorities which exist in Great Britain.

**Subscriptions for 1938.**—It will be a help and an economy if members will send their subscriptions, now due for 1938, to the office of the Institute (using the form distributed with this number of the Journal) and not wait to receive personal reminders.

**Haldane Essay Competition.**—Intending competitors for the Haldane Medal and Prize should note that the last day for the receipt of essays is March 31st, 1938. The conditions of the competition will be found in the full-page announcement at the beginning of the Journal. The competition is again, this year, open to all members of the public service and not only to members of the Institute.



